

THE ALLIANCE
BETWEEN CHURCH AND STATE:

O R,

The *NECESSITY* and *EQUITY*

O F

AN ESTABLISHED RELIGION

A N D

A T E S T L A W

DEMONSTRATED.

In Three B O O K S.

The T H I R D E D I T I O N,

Corrected and Enlarged.

By the Rev. Mr. WARBURTON, *Chaplain of*
Preacher to the Hon. Society of LINCOLN'S INN. *London*

L O N D O N,

Printed for J. and P. KNAPTON in Ludgate-street.

MDCCXLVIII.



TO THE
RIGHT HONOURABLE
P H I L I P
Earl of CHESTERFIELD.

MY LORD,

THE only subjects worth a
wise Man's notice, are RELI-
GION and GOVERNMENT; such Re-
ligion and Government, I mean,
which exclude not, as too oft they
do, *Morality* and *Politicks*; and these
are subjects that at the same time
most need his attention. For tho'
they be ordained to one end, to
perfect Man's nature; yet, as they
pursue it by different means, they
must act in conjunction, lest the
A 2 diver-

iv DEDICATION.

diversity of the means should retard or defeat the attainment of the concurrent end.

BUT then, the object of Religion being Truth, which requires liberty; and the object of Government, Peace, which demands restraint; they seem naturally formed to counteract one another's operations.

HOWEVER, tho' their natures, and, consequently their agency, be thus different, yet their views being the same, there seems to be no more reason against their politic ALLIANCE than we see there was against the physical union of the Soul and Body, for whose distinct benefit each of those Institutions was severally ordained.

FOR tho' these two constituent parts of Man draw different ways; and frequently defeat each other's tendency

DEDICATION. v

tendency; yet Reason easily remedies these inconveniencies; while Nature instructs us how they serve to put in use and improve each other's Faculties: the Body supplying the Mind with organs of sensation; and the Mind, the Body with the active principle of spontaneous motion.

THE chief design of the following Discourse is to shew, that the like important uses may be derived from an *Union between Church and State*: and to explain upon what plan these services are best procured. In doing this, I have still kept our own happy Constitution in my eye: And, under the direction of so safe a guide, I was secure from the danger of those visions, by which the best Writers who have treated these subjects only in the abstract, have been generally misled.

AND now, my Lord, having reviewed my work for the last time,

vi DEDICATION.

and being willing to leave behind me a Monument of my love to my Country, I have taken the privilege, arising from the principles here laid down, to appeal, from the Ecclesiastical, to a Lay-Tribunal; and, at the same time, to use the liberty your partiality for me has encouraged, and will excuse, of putting myself under the protection of a Character which is going down to Posterity, in the full lustre of all those great and good qualities of humanity, which Nature delights to throw round the Names of her distinguished Favourites.

It is an uncommon happiness when an honest man can congratulate a Patriot on his becoming Minister. Your Lordship has afforded this occasion: And who would not make a conscience of overlooking it? When Ministers turn Patriots into Courtiers, it is, at least, a loss

DEDICATION. vii

to the Public of a good name: But when Patriots teach Courts public spirit, the loss of a word is well repaid by the good it was supposed to imply. And now if such a one should be asked where is his Patriotism? he might well answer with the Spanish proverb, in a case not much unlike, *The KING has enough for us all*. What Subjects have thrown off being not lost, but lodged in safer hands; the old, the natural, the legal Guardian of British Liberty.

BUT Your Lordship has now a nicer part to manage. The People are much more reasonable in their demands on their Patriots than on their Ministers. There, they readily accept the Will for the Deed; but here, they unjustly interpret the Deed for the Will. Our great English Poet, who honoured Your virtues, as much as he loved Your

A 4 person

viii DEDICATION.

person, was more candid. He understood the delicate situation of a Minister; and in this fine apology, as I have it in his own hand, does justice to their good intentions:

Our Ministers like Gladiators live;
'Tis half their bus'ness blows to ward
or give:

The good their VIRTUE would effect,
or SENSE,
Dies between Exigents and Self-defence.

He well understood, and therefore endeavoured to correct, the temper of his Countrymen; who never leave their school-boy trick of pelt-ing and throwing dirt at every thing raised a little higher than ordinary; indifferent to them, whether it be Virtue in effigy on a pedestal, or Vice in person on a pillory.

BESIDES, my Lord, the dead weight of long desuetude upon good intentions seems not to have been

DEDICATION. ix

been enough considered. Of all the strange connexions, which the revolutions of time bring about, the rarest and most accidental is that between merit and reward. So that when things have taken their pley, a Minister may be well allowed to answer with him, in the comic Poet, to one who complained he had been cruelly scratched by Fortune, *That it was now too late to think of paring her nails.*

NOR are the mistakes of expectants far short of the difficulties of Men in power.

SCHOLARS (to speak in the Court use of the word) who know so little of Life, are apt to fancy that superior distinction in Letters, or superior services in their Profession, may intitle them to the honours of it. But things are not so carried. High Stations require a knowledge of
of

x DEDICATION.

of Affairs. The pursuit of Letters keep men from the sight of Business: And learned impressions make them unapt and aukward in the discharge of it. The Mind must be at liberty before it can look abroad: And it must be unburthened before it will be able to move there with ease or grace. Nothing is more unquestioned, nor, consequently, truer than these Court-Maxims. And the most that can be said for so helpless a Tribe is, *That Letters never made a Blockhead.* But I go no farther. For indeed it must be owned, That as they find him, so they always leave him.

BUT perhaps, my Lord, I am all this while giving an example of that very ignorance I would endeavour to excuse. For, if what we daily hear be true, I am pleading for the decorations of Society, at a time, that the essentials of it are thought
infe-

DEDICATION. xi

insecure. Which certainly would be as bad oeconomy as his, who busied himself in white-washing a public Edifice, when the foundation and walls wanted under-propping and repairing. It is true, I had a view to *Use* as well as Ornament; for I hinted at *Religion* as well as Letters. But it is not of that wood, I mean the wood of the Cross, of which the public supports are now made. So that a great Minister will find many things to do, before he comes to embellish and adorn. And if the temper of the times will but suffer Your Lordship to be instrumental in saving Your Country by a reformation of the general manners, men of sense would be unjust to complain, though they might lament, that the work of polishing our genius was denied to You, and reserved for some happier Successor, who made it his glory to copy from

Your

xii DEDICATION.

Your inclinations, when he had not
the better guide of Your example.
I am,

My LORD,

YOUR LORDSHIP'S

most Obliged, and

faithful Servant,



W. WARBURTON.

Advertisement.

A VERY able and judicious *French* Writer not long since translated the following Treatise (amongst the other Works of this Author) into his own Language. His purpose in it was to open a way for appeasing the Commotions of *Jansenism*, at that time, in a high Ferment. He addressed it, in a private Letter, to the late Cardinal FLEURY, to whom he was well known. And to give the Conclusions, here drawn out, the more credit with his Countrymen, he supported them all along with Quotations from the two famous Works of DE MARCA and BOSSUET; the one the wisest, and the other the most sensible Divine that Nation ever produced; And although their Religion kept them strangers to the Principles here laid down, yet the Love of their Country led them to the Conclusions arising from them. Which they readily embraced from observing

xiv ADVERTISEMENT.

ing their Use to Mankind, without understanding the Grounds on which they stood.

THE Translator's Success was such as might be expected from every Attempt to ease or soften Popery, though directed to its firmer Establishment. For the politic Directors of that Superstition having long since filled up their Measure of Unrighteousness, Providence will not suffer them to be *wise even in their own Generation*. I have been told, that when the Cardinal received this Translation with the Letter, (which because it has never been made public and is curious, is here inserted in the *Appendix*) he said upon that Occasion, that Mr. S*** was a very ingenious Man, *Mais un peu Raffineur & Visionaire*. And why? Because he pleads for a religious *Toleration*. But the Minister was jealous of Principles and Plans of Policy, which came from the Schools of Liberty and Reason: Neither could he relish or understand them, though dressed up and recommended by some of the ablest Doctors of his own Church.

POLITICIANS are, generally speaking, but pitiful Divines; and most of all, Ecclesiastical Politicians. But had this great Man
been

ADVERTISEMENT. xv

been in the Direction, under such a Government as ours, are we to think he would then have slighted a Work which only professes to shew on what just Grounds the fundamental Constitutions of it are erected? By no means. Though his Maxims of Policy might not suffer him to countenance Innovations, how just and beneficial soever; yet the Dictates of common Sense would have led him, to encourage all Attempts of supporting the established System of Things on reasonable Principles. To conclude, the Opinions of some amongst us gave the Occasion of inserting, in this Edition, the Quotations imployed by the *French* Translator: By which it will appear, that there are Papists who think more justly of the Rights of Society than even some Protestants.

E R R A T A.

Page 52. l. 10. for though read thought.

62. l. 2. for a Quakerism read Quakerism.

CONTENTS.

BOOK I.

*Of the Nature and End of CIVIL and
of RELIGIOUS SOCIETY.*

CHAP. I.

THE Occasion and Nature of this
Discourse, p. 1

CHAP. II.

*Of the State of Nature; and of the Estab-
lishment of Society.* p. 5

CHAP. III.

*Of the natural Defects of Civil Society; and
the Necessity of applying Religion to remedy
these Defects.* p. 10

CHAP. IV.

*Of the Nature and End of Civil Society: And
the Causes of the common Mistakes concerning
it discovered and explained.* p. 31

CHAP. V.

Of the Nature and End of Religion. p. 53
BOOK

C O N T E N T S.

xvii

B O O K II.

Of an ESTABLISHED CHURCH.

C H A P. I.

*Of the Nature of that Union between Church
and State which produces a Religion esta-
blished by Law.* p. 85

C H A P. II.

*Of the Motives the State had to seek, and the
Church to accept an Alliance.* p. 90

C H A P. III.

*Of the reciprocal Terms and Conditions of this
Alliance.* p. 117

C H A P. IV.

*That the Christian Religion is, of all other,
best fitted for such an Alliance with the
State as may be most productive of their
mutual Advantage: And that our own is
the most perfect of all Christian Establish-
ments.* p. 167

C H A P. V.

*In which an Objection to the fundamental Prin-
ciples of this Alliance is removed.* p. 182

b

B O O K

BOOK III.

Of a TEST-LAW.

CHAP. I.

Of the Origin and Use of a Test-Law. p. 193

CHAP. II.

Of the Necessity and Equity of a Test-Law. p. 201

CHAP. III.

*The Objections to the Equity and Expediency
of a Test-Law are considered. p. 208*

CHAP. IV.

*Of the mistaken Principles on which Writers
on this Subject have hitherto proceeded; the
Mischiefs and Absurdities that followed
them; and the Remedies which the Princi-
ples here laid down are able to supply. p. 244*

CHAP. V.

*The Conclusion, in which the remaining Obje-
ctions of both Parties are considered. p. 255*

THE

THE
Necessity and Equity
OF AN
ESTABLISHED RELIGION
AND
A TEST-LAW
DEMONSTRATED.

BOOK I.
*Of the Nature and End of CIVIL and of
RELIGIOUS SOCIETY.*

CHAPTER I.
The Occasion and Nature of this Discourse.

AN ESTABLISHED RELIGION and a
TEST-LAW, the two great Solecisms,
as we are told, in modern Politics, are the
Subject of the following Discourse. A Sub-
ject that hath not only, in common with
most other of Importance, been much per-
plexed by the bringing in, on both Sides,
Men's civil and religious Prejudices into the
B Question;

Question ; but likewise, which is peculiar to this Controversy, by their concurring in one and the same erroneous Principle. For where the two Parties go upon different Principles, they naturally begin with examining one another's, whereby the *true* one being at length settled or discovered, by its Aid the Controversy may be timely determined ; but where a *false* Principle has the luck to be unquestioned, the Disputants may wrangle for ever, and be, after all, but further from the Truth. Thus, of the two Parties in this Question, while the Arguments of both are bottomed upon the same mistaken Foundation, the one defends a Test on such Reasonings as destroy a *Toleration* ; and the other opposes it on such as conclude equally against the very Essence and Being of a *National Religion*.

INVETERATE Mistakes, therefore, upon a Subject of such Importance would be a sufficient Apology for the Expediency of this Discourse at any time, although some late Occurrences had not made it particularly seasonable at the present. Our unhappy Divisions in the State have, it seems, amongst the various Intrigues of Parties, afforded Opportunity and Encou-

Encouragement to the Protestant Dissenters to enter upon Measures for the Repeal of the *Test-Law*, that is, as we shall prove, for throwing the State into Convulsions, by a Dissolution of the original Union between the two Societies. In the mean time it hath unhappily befallen, that some, to whom this Kingdom is greatly indebted for their Reasonings in Defence of public Liberty, have thought hardly of a *Test-Law* and of an *Established Religion* so secured. From whence their mistake arose will be shewn in its Place. However, the Authority of these great Names hath induced many unprejudiced Persons to shew too much Countenance to this destructive Project; and hath emboldened the Promoters of it to appeal to the abstract Principle of Right. I shall therefore attempt to shew THE NECESSITY AND EQUITY OF AN ESTABLISHED RELIGION AND A TEST-LAW FROM THE ESSENCE AND END OF CIVIL SOCIETY, UPON THE FUNDAMENTAL PRINCIPLES OF THE LAW OF NATURE AND NATIONS.

THIS being our Subject, we shall not propose to defend an *Established Religion* and a *Test*, by the Laws of this or that State, or on

the Principles of this or that Scheme of Religion, but on the great and unerring Maxims of the Law of Nature and Nations : And when, on occasion, we happen to apply the Reasoning here inforced to this or that Church or State, it will be only so far forth as they are conformable to that Law.

AND this is all now wanting to determine this long Controversy. For our Adversaries having been beaten off from their Attack of the *Test-Law*, on the Frame and Principles of our own Constitution, by that excellent Defence called the *Vindication of the Corporation and Test-Acts*, have quite left this partial Controversy, and appealed to the Law of Nature and Nations. To that Tribunal we now propose to follow them.

THE *Principles* of Society, Civil and Religious, here delivered, will lay open the absurd Reasonings of those, who, thinking an *Etablissement* of divine Right, defend it on the Doctrine of Intolerance, which makes a Church an Inquisition ; and the necessary *Consequences* deduced from those Principles will as plainly expose the mischievous Reasonings of those, who, holding a *Test* to be

I

against

against all human Rights, oppose it on the Doctrine of Licentiousness, which makes a Church a Rope of Sand. Having done this, from those clear Principles, and these necessary Consequences, we shall demonstrate the perfect Concord and Agreement between *Religious Liberty* and a *Test-Law*; and, in the last Place, detect the delusive Principle, above mentioned, upon which both Parties have gone, and shew how it hath led both, as extraordinary as it may seem, to quite contrary Conclusions. From all this it will appear, which is one of the principal Purposes of this Discourse, that our present happy Constitution both of Church and State, is erected on solid and lasting Supports.

C H A P. II.

Of the State of Nature; and the Establishment of Society.

TO lay our Foundation therefore with sufficient Strength, it will be necessary, tho' in as few Words as may be, to consider the Nature of Man in general, and of that Civil Community which he invented with so much Benefit to himself: that seeing his Wants, and the Remedies he applied

to them, we may better judge of their Fitness to, and Operations on, each other.

THE Appetite of Self-preservation being indispensably necessary to every Animal, Nature has made it the strongest of all. And tho', in rational Animals, Reason alone might be supposed sufficient to answer the End for which this Appetite is bestowed on others, yet, the better to secure that End, Nature has given Man likewise a very considerable Share of the same Instinct with which she has endowed Brutes so admirably to provide for their Preservation. Now, whether it were some *plastic Nature* that was here in Fault, which, the great *Bacon* says, *knows not how to keep a mean*^a, or that it was all owing to the perverse Use of human Liberty, certain it is, that, borne away with the Lust of gratifying this Appetite, Man, in a State of Nature, soon ran into very violent Excesses; and never thought he had sufficiently provided for his own Being, till he had deprived his Fellows of the free Enjoyment of theirs. Hence all those Evils of mutual Violence, Rapine, and Slaughter, that, in a State of Nature, must needs abound

^a *Modum tenere nescia est.*

amongst

amongst Equals. Because, though Man, in this State, was not without a Law which exacted Punishment on evil Doers, yet the Administration of that Law, not being in common Hands, but either in the Person offended, who being a Party would be apt to enforce the Punishment to Excess; or else in the Hands of every one, as the Offence was against Mankind in general and affected the Good of Particulars not immediately or directly, would be executed remissly. And very often, where both these Executors of the Law of Nature were disposed to be impartial and exact in the Administration of Justice, they would yet want Power to enforce it. Which, altogether, would so much inflame the Evils abovementioned, that they would soon become as general and as intolerable as the *Hobbeists* represent them in that State to be, was it not for the restraining Principle of RELIGION that kept Men from running into the Confusion necessarily consequent on the Principle of inordinate Self-Love. But yet Religion could not operate with sufficient Efficacy for want, as we observed before, of a common Arbiter, who had Impartiality enough fairly to apply the Rule of Right; and Power to enforce its Opera-

tions: So that these two PRINCIPLES were in endless Jar; in which Justice generally came by the worst. It was therefore found necessary to call in the CIVIL MAGISTRATE, as the Ally of Religion, to turn the Balance.

THUS was *Society* invented for a Remedy against Injustice: And a *Magistrate* by mutual Consent appointed to give a Sanction to
 “ that common Measure to which, Reason
 “ teaches us that, Creatures of the same
 “ Rank and Species, promiscuously born to
 “ the same Advantages of Nature, and to
 “ the Use of the same Faculties, have all an
 “ equal Right^b.” Where it is to be observed, that though Society provides for all those Conveniencies and Accommodations of more elegant Life, which Man must have been content to have been without, in a State of Nature, yet it is more than probable that these were never thought of when Society was first established^c: But that they were the

^b *Locke.*

^c Though the judicious *Hooker* thinks those Advantages were principally intended when Man first entered into Society: *This was the Cause* (says he) *of Men's uniting themselves at first into Politique Societies.* Eccl. Pol. L. i. § 10. His Master *Aristotle*, though extremely concise, seems to hint, that this was but the *secondary* mutual

mutual Violences and Injustices, at length become intolerable, that set Men upon contriving this generous Remedy. Because Evil felt has a much stronger Influence on the Mind than Good imagined : And the Means of removing the one is much easier discovered than the way to procure the other : And this by the wise Disposition of Nature ; the avoiding Evil being necessary to our Existence ; not so, the procuring Pleasure. Besides, the Idea of those unexperienced Conveniencies would be, at best, very obscure : And how unable Men would be, before tryal, to judge that Society could bestow them, we may guess by observing how little, even now, the Generality of Men, who enjoy those Blessings, know or reflect that they are owing to Society, or how it procures them ; because it doth it neither immediately nor directly. But they would have a lively Sense of Evils felt ; and would know that Society was the Remedy, because the very Definition of the Word would teach them how it becomes so. Yet because *Civil Society* so greatly improves human Life, this

End of Civil Society ; and that *that*, which we here make to be so, was the first. His words are : γινωσκόντων ὅτι τὸ εὖ ζῆν ἐν κοινωνίᾳ, ὅσα ἢ τὰ εὖ ζῆν. *Pol. L. i. c. 2.*

Improve-

Improvement may be called, and not unaptly, the *secondary End* of that Convention. Thus, as *Aristotle* accurately observes in the Words quoted below, that which was at first constituted for the *Sake of Living*, is carried on for the *Sake of happy Living*.

C H A P. III.

Of the natural Defects of Civil Society; and the Necessity of applying Religion to remedy those Defects.

CIVIL Society thus established; from this Time, as the Poet says,

— *abstistere bello,*

Oppida caeperunt munire, & ponere leges,

Ne quis Fur esset, neu Latro, neu quis Adulter^a.

But as before, bare RELIGION was no Preservative against moral Disorders; so now SOCIETY alone would be equally ineffectual.

I. 1. FOR, *first*, its Laws can have no further Efficacy than to restrain Men from *open* Transgression; while what is done amiss in private, though equally tending to the public Prejudice, escapes their Censure. And

^a *Horace.*

Man,

Man, since his entering into Society, would greatly have improved his Practice in this secret way of Malice. For now an effectual Security being provided against *open Violence*, and the inordinate Principle of Self-love being still the same, *secret Craft* was the Art to be improved; and the public Guards of Society inviting private Men to a careless Security, what Advantages it would afford to those hidden Mischiefs, which Civil Laws could not take notice of, is easy to imagine.

2. BUT, *secondly*, the Influence of Civil Laws cannot, in all Cases, be extended even thus far, namely, to the restraining open Transgression. It cannot *then*, when the severe Prohibition of one Irregularity threatens the bringing on a greater: And this will always be the Case, when the Irregularity is owing to the Violence of the sensual Passions. Hence it hath come to pass, that no great and flourishing Community could ever punish *Fornication*, in such a sort as its ill Influence on Society was confessed to deserve: Because it was always found that a severe Restraint of this opened the way to more flagitious Lusts.

3. *Thirdly*,

3. *Thirdly*, THE very Attention of Civil Laws to their principal Object occasions a further Inefficacy in their Operations. To understand this we must consider, that the Care of the State is for the WHOLE, under which *Individuals* are considered but in the second Place, as Parts only of that Whole; the Consequence of which is, that, for the sake of the Body's Welfare, these Parts are sometimes left neglected; which must needs happen when general, rather than particular, Views ingross the public Attention. Now the Care of *Religion* is for PARTICULARS, and a *Whole* has but the second Place in its Concern^b. But this is only touched upon to

^b Regium Imperium a Sacerdotali in eo maxime distat, quod illi non solæ singulorum civium rationes commissæ sint, sed totius Reipublicæ salus; unde fit ut in cives etiam invitos ad fovendum totius reipublicæ corpus, jus illi competat—Quod aliter se habet in Episcopali Ministerio, cui Ecclesiæ sollicitudo ita est commissæ, ut singulorum salutis præcipue invigilare debeat, nec curare possit universum corpus aliquorum membrorum perniciæ. PETRUS DE MARCA, *De concordia Sacerdotii & Imperii. Epistola ad Cardinalem de Richelieu*: Nous aurons occasion de citer souvent ce fameux Ouvrage, écrit à la requisiion du Cardinal de Richelieu. Nous l'indiquerons par le nom de l'Auteur, Prélat aussi zélé pour sa Religion que pour son Prince. Il mourut peu de tems après sa nomination à l'Archevêché de Paris, où
shew,

shew, in passing, the natural Remedy for the Defects here explaining.

4. BUT this was not all, there was a further Inefficacy in human Laws. The Legislature, in enquiring into the mutual Duties of Citizens arising from their Equality of Condition, found those Duties to be of two kinds. The first, they intitled the Duties of PERFECT OBLIGATION, because Civil Laws could readily and commodiously, and were of necessity required to enforce their Observance. The other they called the Duties of IMPERFECT OBLIGATION; not that Morality doth not as strongly exact them, but because Civil Laws could not conveniently take notice of them; and that they were supposed not so immediately and vitally to affect the Being of Society. Of this latter kind are *Gratitude, Hospitality, Charity, &c.* concerning such, Civil Laws for these Reasons are generally silent. And yet, though it may be true, that these Duties, which human Laws thus overlook, may not so directly affect Society, it is very certain, that their Violation brings as fatal, though not so swift

il étoit parvenu par son mérite & par le discernement de son Roi. *French Translator.*

Destru-

Destruction upon it, as that of the Duties of *perfect Obligation*. A very competent Judge, and who, too, speaks the Sentiments of Antiquity, in this Matter, hath not scrupled to say,—“ Ut scias per se expetendam esse GRA-
 “ TI ANIMI AFFECTIIONEM, per se fugi-
 “ enda res est INGRATUM esse: quoniam
 “ nihil æque concordiam humani generis
 “ diffociat ac distrahit quam hoc vitium ‘.”

5. BUT, still further, besides these Duties both of *perfect* and *imperfect* Obligation, for the encouraging and enforcing of which, Civil Regimen was invented; Society itself begot and produced a *new Set of Duties*, which are, to speak in the Mode of the Legislature, of *imperfect Obligation*: The first and principal of which is that antiquated forgotten Virtue called the LOVE OF OUR COUNTRY.

6. BUT, *lastly*, Society not only introduced a new Set of Duties, but likewise increased and inflamed, to an infinite Degree, those inordinate Appetites for whose Correction it was invented and introduced; like some kinds of powerful Medicines that, at the very time they are working a Cure, heighten

‘ Seneca De benef. Lib. iv. c. 18.

the Malignity of the Disease. For the Appetites take their Birth from our real or imaginary Wants. Our *real* Wants are unalterably the same; and, as arising only from the natural Imbecillity of our Condition, are exceeding few, and easily relieved. Our *fantastic* Wants are infinitely numerous, to be brought under no certain Measure nor Standard; and increasing exactly in proportion to our Improvements in the Arts of Life. But the Arts of Life owe their Original to Society^d: and the more perfect the Policy, the higher do those Improvements rise; and, with them, are our Wants, as we say, proportionably increased; and our Appetites inflamed: For the Violence of those Appetites that seek the Gratification of our imaginary Wants is much stronger than that raised by our real Wants: Not only because those are more numerous; which gives con-

^d There is one remarkable Circumstance in the *Mosaic* History, which would, if considered as it ought, give our *Freethinkers* a better Opinion, either of the *Veracity* or *Penetration* of the Author. It is, where having represented *Cain* as the first who built a City, or made Advances towards Civil Society, he informs us that *Cain's* Posterity were the Inventers of the *Arts of Life*; in the Instances he gives of *Jabal*, *Jubal*, and *Tubal-Cain*.

stant Exercise to the Appetites: and more unreasonable; which makes the Gratification proportionably difficult; and altogether unnatural; to which there is no Measure: but principally because vicious Custom hath affixed a *kind of Reputation* to the Gratification of the fantastic Wants, which it hath not done to the Relief of the real ones. So that, on the whole, our Wants increase in proportion as the Arts of Life advance and perfect. But in proportion to our Wants, so is our Uneasiness—to our Uneasiness, so our Endeavours to remove it—to our Endeavours, so the Weakness of *human Restraint*. Hence it is evident, that in a State of Nature, where little is consulted but the Support of our Being, our Wants must be few, and our Appetites in proportion weak; and that in Civil Society where the Arts of Life are cultivated, our Wants must be many, and our Appetites in proportion strong.

II. THUS far concerning the Imperfection of Civil Society, with regard to the Administration of that Power which it hath, namely of *punishing* the Disobedient. We shall next consider its much greater Imperfection with regard to that Power which it wanteth; namely of *rewarding* the Obedient.

THE

THE two great Sanctions of Law and Command are REWARD and PUNISHMENT. These are generally called the two Hinges, on which all kinds of Government turn. And so far is certain, and apparent to the common Sense of Mankind, that whatever Laws are not enforced by both these Sanctions, will never be observed in any Degree sufficient to carry on the Ends of Government.

YET, I shall now shew, from the original Constitution and Nature of Civil Society, that it neither had, nor could enforce the SANCTION OF REWARD.

BUT, to avoid Mistakes, I desire it may be observed, that, by *Reward*, must needs here be meant, *such as is conferred on every one for observing the Laws of his Country*; not such as is bestowed on Particulars, for any eminent Service: as by *Punishment* we understand *that which is inflicted on every one for transgressing the Laws*; not *that* which is imposed on Particulars, for neglecting to do all the Service in their Power.

I MAKE no doubt but this will be called a Paradox; nothing being more common in

C

the

the Mouths of Politicians^e, than *that the Sanctions of Reward and Punishment are the two Pillars of Civil Government*; all the modern *Utopias*, and ancient Systems of speculative Politics, deriving the whole Vigour of their Laws from these two Sources. Take, then, the Proof of the two following Propositions :

I. THAT, by the *original Constitution* of Civil Government, the Sanction of Rewards *was not* enforced.

II. THAT, by the *Nature* of Civil Government, they *could not* be enforced by it.

I. THE first Proposition I prove thus: In entering into Society, it was stipulated, between the Magistrate and People, that *Protection* and *Obedience* should be the reciprocal Conditions of each other. When, therefore, a Citizen obeys the Laws, that Debt on Society is discharged by the Protection it affordeth him. But, in respect to Disobedience,

* Neque solùm ut SOLONIS dictum usurpem, qui & sapientissimus fuit ex septem, & Legum Scriptor solus ex septem. Is rempublicam duabus rebus contineri dixit, PRÆMIO ET POENA. Cic. ad Brutum, Ep. 15.

the

the proceeding is not analogous (though Protection, as the Condition of Obedience, implies the withdrawing it on Disobedience) and for these Reasons: The effect of withdrawing Protection must be either Expulsion from the Society, or exposing the Offender to all kind of Licence, from others, in it. Society could not practise the first, without bringing the Body Politic into a consumption; nor the latter, without throwing it into convulsions. Besides, the first is no Punishment at all, but by accident; it being only the leaving one Society to enter into another; and the second is an inadequate Punishment: for though all Obedience be the same, and so *uniform Protection* a proper Return for it; yet Disobedience being of various Kinds and Degrees, the withdrawing Protection in this latter Sense, would be too great a Punishment for some Crimes, and too small for others.

THIS being the Case, it was stipulated that the Transgressor should be subject to pecuniary Mulcts, corporal Inflictions, Mutilation of Members, and capital Severities. Hence arose the Sanction, and *only Sanction* of Civil Laws. For that Protection is no

Reward in the Sense that these are Punishments, is plain from hence, that the first is of the Essence of Society itself; the other, an occasional Adjunct. But this will farther appear by considering the opposite to Protection, which is *Expulsion*, or Banishment; for this is the *natural* Consequence of withdrawing Protection. Now this, as we said, is no Punishment but by accident: and so the State understood it; as we may collect, even from their Manner of employing it *as a Punishment* on Offenders: for Banishment is of universal Practice, with other Punishments, in all Societies. Now, where withdrawing Protection is inflicted as a Punishment, the Practice of all States hath been, to retain their Right to Obedience from the banished Member; though, according to the nature of the thing, considered alone, that Right be really discharged; Obedience and Protection, as we observed, being reciprocal. But it was necessary all States should act in this manner when they inflicted Exile as a Punishment; it being no Punishment but by accident, when the Claim to Subjection was remitted with it. They had a *Right* to act thus; because it was inflicted on an *Offender*; who, by his very Offence, had forfeited

feited all Claim of Advantage from that *reciprocal Condition*^f.

II. THE second Proposition is, that, by the Nature of Civil Government, *the Sanction of Rewards could not be enforced by it*: My reason is, because Society could neither distinguish the Objects of its Favour; nor reward them, though they were distinguished.

I. FIRST, *Society could not distinguish the Objects of its Favours*. To inflict Punishment, there is no need of knowing the Motives of the Offender; but judicially to confer Reward, on the Obedient, there is.

ALL that Civil Judicatures do in punishing is to find whether the Act was *wilfully*

^f This will lead us to determine an embarrassed Question long disputed amongst Writers on the Law of Nature and Nations; namely, *Whether a banished Man be a Subject of the State from which he hath been expelled?* *Hobbes* and *Pufendorf* holding the negative; and *Tully*, with the excellent Lord Chancellor *Hyde*, the affirmative. The former, in Support of their Opinion, say, that, by the very Act of Expulsion, the State gives up and renounces all Right of Subjection: the latter only appeal to the Practice of Societies; the Reason of which Practice, as here given, determines the Question in their Favour.

committed. They enquire not into the Intention or Motives, any farther, or otherwise than as they are the Marks of a voluntary Act; and having found it so, they concern themselves no more with the Man's Motives or Principles of acting; but punish, without scruple, in confidence of the Offender's Demerit. And this with very good Reason; because no one of a sound Mind can be supposed ignorant of the principal Offences against Right, or of the Malignity of those Offences, but by some sottish Negligence that hath hindered his Information; or some brutal Passion that hath prejudiced his Judgment; both which are highly faulty, and deserve Civil Punishment.

It is otherwise in rewarding the abstaining from Transgression. Here the *Motive* must be considered: because as *merely doing Ill* deserves Punishment, a crime in the case of wrong Judgment being ever necessarily inferred; so *merely abstaining from Ill* cannot, for that very reason, have any merit.

In *judicially rewarding*, therefore, the *Motives* must be known: but human Judicatures cannot know them but by accident:
It

It is only that Tribunal, which searches the Heart, that can penetrate thus far. We conclude, therefore, *that Reward cannot, properly, be the Sanction of human Laws.*

IF it should be said, that though Rewards cannot be equitably administer'd, as Punishments may; yet nothing hinders but that, for the good of Society, all who observe the Laws should be rewarded, as all who transgress the Laws are punished: The Answer will lead us to the Proof of the second Part of this Proposition.

2. THAT *Society could not reward, though it should discover the Objects of its Favour*; the Reason is, because no Society can ever find a Fund sufficient for that Purpose, without raising it on the People as a Tax, to pay it back to them as a Reward.

BUT the universal Practice of Society confirms our reasoning, and is explained by it; the Sanction of *Punishments* only having, in all Ages and Places, been employed to secure the Observance of Civil Laws. This was so remarkable a *Fact*, that it could not escape the Notice of a certain admirable Wit, and

studious Observer of Men and Manners; who speaks of it as an universal Defect: *Although we usually, says he, call Reward and Punishment the two Hinges, upon which all Government turns, yet I could never observe this Maxim to be put in Practice by any Nation except that of Lilliput*^s. Thus he introduceth an Account of the Laws and Customs of an *Utopian* Constitution of his own framing; and, for that matter, as good, perhaps, as any of the rest: And, had he intended it as a Satire against such chimerical Common-wealths, nothing could have been more just: For all these political Romancers, from *Plato* to this Author, make Civil Rewards and Punishments *the two Hinges of Government*.

I HAVE often wondered what it was, that could lead Men from Fact, and universal Practice, in so fundamental a point; But, without doubt, it was this, The design of such sort of writings is to give a perfect Pattern of Civil Government; and to supply the fancied defects in real Societies. The end of Government coming first under consideration; and the general Practice of Society seeming to declare this end to be only, what,

^s *Gulliver's Travels*, vol. i. p. 97.

in truth, it is, *Security to our temporal Liberty and Property*; the Simplicity of it displeased, and the Plan appeared defective. They imagined, that, by enlarging the Bottom, they should ennoble the Structure: and, therefore, formed a romantic Project of making Civil Society serve for all the good purposes it was even accidentally capable of producing. And thus, instead of giving us a true picture of Government, they jumbled together all sorts of Societies into one; and confounded the *Religious*, the *Literary*, the *Mercantile*, the *Convivial*, with the CIVIL. Whoever reads them carefully, if indeed they be worth reading carefully, will find that the errors they abound in are all of this nature; and that they arise from the losing, or never having had, a true Idea of the simple Plan of Civil Government: a circumstance, which, as we shall shew presently, hath occasioned many wrong judgments concerning it. No wonder then, that this mistake, concerning the *End* of Civil Society, drew after it others, concerning the *Means*; and this, amongst the rest, that *Reward was one of the Sanctions of human Laws*.

ON the whole then, it appears, that Civil Society hath not, in itself, the *Sanction*
of

of Rewards, to secure the observance of its Laws. So true, in this sense, is the Observation of *St. Paul*, that THE LAW WAS NOT MADE FOR THE RIGHTEOUS, BUT FOR THE UNRULY AND DISOBEDIENT.

BUT it being evident, that the joint Sanctions of Rewards and Punishments are but just sufficient to secure the tolerable Observance of Right (the common false Opinion that these are the two Hinges of Government arising from that Evidence) it follows, that, AS RELIGION, ONLY, CAN SUPPLY THE SANCTION OF REWARDS, WHICH SOCIETY WANTS, AND HATH NOT, RELIGION IS ABSOLUTELY NECESSARY TO CIVIL GOVERNMENT.

THUS, on the whole, we see, I. That Society, by its own proper Power, cannot provide for the Observance of above one third Part of moral Duties ; and of that third, but imperfectly. We see likewise, how, by the peculiar Influence of its Nature, it enlargeth the Duty of the Citizen, at the same time that it lessens his natural Ability to perform it.

II. WE

II. WE see further, which is a thing of far greater consequence, that Society totally wants one of those two Powers which are owned by all to be the necessary Hinges on which Government turns, and without which it cannot be supported.

To supply these Wants and Imperfections, some other coactive Power must be added, that hath its Influence on the Mind of Man, to keep Society from running back into Confusion. But there is no other than the Power of RELIGION; which teaching an over-ruling Providence, the Rewarder of good Men, and the Punisher of ill, can oblige to the Duties of *imperfect Obligation*, which human Laws overlook: and teaching, also, that this Providence is omniscient, that it sees the most secret Actions and Intentions of Men, and hath given Laws for the perfecting their Nature, will oblige to those Duties of *perfect Obligation*, which human Laws cannot reach, or sufficiently enforce.

THUS we have explained, in general, the mutual Aid *Religion* and *Civil Policy* lend to one another: not unlike that which two Allies, in the same Quarrel, may reciprocally
receive

receive against a common Enemy : While one Party is closely pressed, the other comes up to its Relief ; disengages the first ; gives it time to rally, and repair it's force : By this time the assisting Party is pushed in its turn, and needs the Aid of that which it relieved ; which is now at hand to repay the Obligation. From henceforth, the two parties ever act in Conjunction ; and, by that means, keep the common Enemy at a stand.

THIS use of Religion to the State was seen by the Learned, and felt by all Men of every Age and Nation. The ancient World particularly was so firmly convinced of this Truth, that the greatest Secret of the sublime Art of Legislation consisted in this, how best, Religion might be applied to serve Society. The particular Methods they employed, and the several artful Detours they used to arrive at this End, are in the second Book of the *Divine Legation of MOSES* explained at large.

RELIGION being thus proved necessary to Society, that it should be so used and applied, in the best Way, and to most Advantage, needs no Proof. For it is as instinctive
in

in our Nature to improve a Good, as to investigate and pursue it. And with regard to the improvement of this particular Good, there is a special Reason why it should be studied. For the Experience of every Place and Age informs us, that the Coactivity of *Civil Laws* and *Religion* is but just enough to keep Men from running into Disorder and mutual Violence. But this Improvement is the Effect of Art and Contrivance. For all natural Good, every Thing constitutionally beneficial to Man, needs Man's Industry to make it better. We receive it all at the provident Hand of Heaven, rather with a Capacity of being applied to our Use, than immediately fit for our Service. We receive it, indeed, in full Measure, but rude and unprepared. The efficient Cause of this, in natural Goods, is the Intractability and innate Stubbornness of Matter; and in moral Goods, the Malice and Perversity of Man. The final Cause seems to be, that Man, of all God's creation, the most incapable of a State of Idleness and Inactivity, may be set to work; and, by this means, made to cultivate the Faculties both of his Mind and Body.

Now

Now concerning this technical Improvement of moral Good, it is, in artificial Bodies, as in natural: *Two* may be so essentially constituted as to be greatly able to adorn and strengthen each other. But then, as in the one Case a mere juxta-position of the Parts is not sufficient, so neither is it in the other; some Union, some Coalition, some artful Insertion into each other will be necessary.

BUT now again, as in natural Bodies, the Artist is unable to set about the proper Operation, 'till he hath acquired a reasonable Knowledge of the Nature of those Bodies which are the Subject of his Skill; so neither can we know in what manner Religion may be best applied to the Service of the State, 'till we have learned the real and essential Natures both of a *State* and a *Religion*. The *obvious* qualities of both sufficiently shew that they must needs have a good Effect on each other, when properly applied^h; as our Artist, by his Knowledge of the obvious Qualities of two natural Bodies, we suppose dis-

^h Non natura, sed hominum vitio factum, ut ambæ illæ potestates, quæ amico fœdere conjungi debuerant, in dedecus Christiani nominis aliquando divellantur ab invicem. *Marca, Epistola ad Cardinalem de Richelieu. F. T.*

cerns thus much ; though he hath not yet got sufficient Acquaintance with their Nature, to make a proper Application.

C H A P. IV.

Of the Nature and End of Civil Society : And the causes of the common mistakes concerning it discovered and explained.

IT behoves us, therefore, in the next place, to examine the Nature of CIVIL SOCIETY and RELIGION more at large. Of whose *Natures* truly to be informed, the Way is to find out their *Ends*. And this will be the more necessary on account of the strange Extravagances that the several Sects amongst us have run into, concerning one and the other Society ; while some strike at the *Administration*, some at the *Nature*, and some at the very *Being* of both. The PAPIST makes the State a Creature of the Church ; the ERASTIAN makes the Church a Creature of the State : The PRESBYTERIAN would regulate the Exercise of the State's Power on Church Ideas ; the HOBBEIST, the Church, by Reasons of State : And, to compleat the Farce, the QUAKER abolishes the very Being of a Church ; and the MENNO-

NITE

NITE suppresses the Office of the Civil Magistrate.

BUT to begin with *Civil Society*. It was instituted either with the Purpose of attaining all the Good of every Kind, it was even accidentally capable of producing ; or only of some certain Good, which the Institutors had in view, unconcerned with, and unattentive to, any other. To suppose its End the vague Purpose of acquiring all possible accidental Good, is, in Politics, a mere Solécism ; As hath been sufficiently shewn by the Writers ^a on this Question. And how untrue it is in fact, may be gathered from what we have said above, of the Origin of Society. Civil Government then, I suppose, will be allowed to have been invented for the Attainment of some certain End or Ends, exclusive of others : and this implies the Necessity of distinguishing this End from others. Which Distinction arises from the

^a See *Locke's* Defence of his Letters of Toleration. This appears too to have been *Aristotle's* Opinion from these Words.—φύσει μὴ ἐν διώρῃσαι τὸ θῆλυ, καὶ τὸ δᾶλον· ἔδεν γὰρ ἡ φύσις ποιεῖν πείσσειν, οἷον χαλκοῦποι καὶ [Δελφικῶν] μάχαιρον, πενιχρῶς, ἀλλ' ἐν πρὸς ἑν. *See Polit. L. i. c. i.*

different

different Properties of the Things pretending. But, again, amongst all those Things which are apt to obtrude, or have in fact obtruded; upon Men, as the Ends of Civil Government, there is but one Difference in their Properties, as Ends : Which is this, *That one of these is attainable by Civil Society only ; and all the rest are easily attained without it.* The Thing then, with the first mentioned Property must needs be that genuine End of Civil Society. And this is no other than SECURITY TO THE TEMPORAL LIBERTY AND PROPERTY OF MAN. For this End, as we have shewn, Civil Society was invented ; and *this*, Civil Society alone is able to procure. The great, but spurious Rival of this End, THE SALVATION OF SOULS, or the *Security* of Man's future Happiness, belongs, therefore, to the other Division. For *this*, not depending on outward Accidents, or on the Will or Power of another, as the Body and Goods do, may be as well attained in a State of Nature, as in Civil Society ; and therefore, on the Principles here delivered, cannot be one of the Causes of the Institution of Civil Government ; nor, consequently one of the Ends thereof.

D

BUT

BUT if so, the Promotion of it comes not within the peculiar Province of the Magistrate^b. For he who has nothing to do with the *End*, can have no concern with the *Means*. These Means are DOCTRINE AND MORALS, which compose what is called RELIGION, in the largest Sense of the Word.—That *Opinions* are not in his Resort, I again refer the Reader to Mr. *Locke's* discourses on *Toleration*; where it may be seen, how, from the Principles here laid down, the whole Doctrine of Religious Liberty is demonstrated: And that even *Mo-*

^b Summa divini numinis benignitate duobus maximis præfidiis instructa est humani generis Societas ad felicitatem consequendam, Sacerdotio et Imperio; quorum alterum divinis Mysteriis se impendit, alterum componit reipublicæ statum, & humanæ vitæ tranquillitatem procurat; ita ut ex utriusque concordia Christiana respublica cumulatissimis incrementis augeatur. Utraque potestatum suis limitibus est circumscripta, et in diffitis omnino negotiis exercetur; cum illa spiritualibus addicatur, hæc publicis occupata sit—certæ quidem regulæ in genere assignari possunt, quibus invicem determinentur.—Et en parlant des difficultez qui peuvent survenir entre ces deux puissances, l'Auteur ajoûte—Quæ locum habent non in controversiis fidei, quo longo intervallo remotæ sunt a cognitione Principum, nec in rerumpublicarum administrationibus, quæ alienæ sunt a cura pacendi gregis. *Marca in præfatione prima.* F. T.

rals

als are not, considered only in a religious Sense, how strange soever this Assertion may appear, is evident both from the Reason of Things, and from the fundamental Practice of all Governments.

WE have shewn, it was the Care of the *Bodies*, not the *Souls* of Men, that the Magistrate undertook to give Account of. Whatever therefore refers to the *Body*, is in his Jurisdiction ; whatever to the *Soul*, is not. But, and if there be *That* which refers equally to both (as *Morals* plainly do) such Thing must needs be partly within and partly without his Province ; that is, it is to be *partially* considered by him ; his Care thereto extending so far only as it affects Society. The other Consideration of it, namely as it makes Part of Religion, being in the Hands of those who preside in another kind of Society ; of which more hereafter.

AGAIN, with regard to Civil Practice ; if we cast our Eye on any *Digest* of Laws, we find that evil Actions have their annexed Punishment denounced, not as they are VICES, *i. e.* not in Proportion to their Deviation from the eternal Rule of Right : Nor as they are SINS, *i. e.* not in Proportion to their

their Deviation from the extraordinary revealed Will of God ; which two things indeed coincide : But as they are **CRIMES**, *i. e.* in Proportion to their malignant Influence on Civil Society.

BUT the View in which the *State* regards the Practice of Morality is evidently seen in its Recognition of that famous Maxim, by which, penal Laws, in all Communities are fashioned and directed, THAT THE SEVERITY OF THE PUNISHMENT MUST ALWAYS RISE IN PROPORTION TO THE PROPENSITY TO THE CRIME. A Maxim evidently *unjust*, were Actions regarded by the State as they are in themselves ; because the *Law of Nature* enjoins only in Proportion to the Ability of Performance ; and human Abilities abate in Proportion to the contrary Propensities :—evidently *impious*, were Actions regarded by the State as they refer to the *Will of God*, because this State Measure directly contradicts his Method and Rule of punishing. But suppose the Magistrate's Office to be what is here assigned, and his Aim must be the SUPPRESSION of *Crimes*, or of those Actions which malignantly affect Society ; and then nothing can be more reasonable than

than this Proceeding. For then, his End must be the good of the *Whole*, not of *Particulars*, but as they come within that View. But the Good of the Whole being to be procured only by the *Prevention of Crimes*; and those, to which there is the greatest Propensity, being of the most difficult Prevention, the full Severity of his Law must, of Necessity, be turned against these.

BUT now it is to be observed, in order to clear this Matter from the Confusion to which the Want of this Observation has subjected it, that tho' *Religion*, or the *Care of the Soul*, be not within the Province of the Magistrate, and consequently Matters of *Doctrine* and *Opinion* hold not of his Jurisdiction; yet this must always be understood with an Exception to the three fundamental Principles of Natural Religion; namely,—*the Being of a God*,—*his PROVIDENCE over human Affairs*,—and *the natural essential Difference of MORAL GOOD and EVIL*. These Doctrines it is directly of his Office to cherish, protect, and propagate; and all Oppugners of them it is as much his Right and Duty to restrain as any the most flagrant Offender against Civil Peace. Nor doth this

at all contradict our general Position, that the sole End of Civil Society is the Conservation of Body and Goods. For the Magistrate concerns himself in the Maintenance of these THREE FUNDAMENTAL ARTICLES, not as they promote our *future* Happiness, but our *present*: As they are the very Foundation and Bond of Civil Policy. To understand this, we must remember what hath been said above of its Original.

THE Progress and Increase of mutual Violence, in the State of Nature, 'till it became general and intolerable, were owing to the natural *equality* of Power amongst Men. The Remedy of which was seen to be Civil Society. But that Equality of Power, which occasioned the Evil, prevented the Remedy, any otherwise than by the Will and free Consent of every one. The Entrance therefore into Society was by free Convention and Stipulation. But then again, that same Equality which made every Man's Consent necessary, prevented his giving any other Security for the Performance of his Compact than his mere Word: And how feeble a Security that is, we all know. Some Means therefore were to be contrived to strengthen the

the Obligation of his Word. Now nothing, in the Case here imagined of perfect Equality, (and such was the Case on entering into Society,) could give this Strength, but *Religion*. An OATH, then, made upon the *three great Principles* above mentioned, was that Sanction to his Word which was universally employed in all Conventions. For an Oath is an Invocation to Heaven, whose Providence is believed to regard Men's Actions; Justice being the Object of his Delight, and Injustice of his Displeasure; and that he will punish and reward accordingly: all which necessarily imply an essential Difference between Good and Evil, prior to human Decrees. Thus an old *Grecian* Sage quoted by *Clemens*, speaking of the Office of the ancient Lawgiver, says: "He first of all trained the Race of Mankind to Justice by the Invention of an Oath."

AGAIN,

Ἡ πρώτη εἰς δικαιοσύνην θνητῶν ἡγάγεν, δείξας ὅθεν. *Strom. Lib. i.*—From hence we may collect how pernicious it would be to *Society* to multiply the Use of Oaths to inferior Purposes: For if the Sanction of an Oath be the great fundamental Cement of Civil So-

AGAIN, when Society was established, it was necessary that human Laws should be enforced on a Principle of RIGHT as well as *Power*; that is, on a Principle which would make them *obeyed for Conscience Sake*. But the preserving these *three* great Articles of Natural Religion could alone subsist that Principle. Therefore was the Magistrate to provide for their Support. But these being all that were necessary to this End, Re-

ciety, and the multiplying them unavoidably dissolve, as it is clear it does, all their Force and Efficacy, such mistaken Politics must prove very fatal to Communities. Hence too we may see, it would be as bad Policy, in a contrary Extreme, to dispense with the Religion of an Oath in Matters of highest Moment, out of Indulgence to tender Consciences. But that which shews such Indulgence to be pernicious to Society, shews the Claim to it to be vain and ill founded; there being no Exemption on Pretence of Conscience from the fundamental Usages of Society. And for Politicians to let one Part of their fellow Citizens loose from the Religion of an Oath, and to tie up the rest so closely by it, looks as if they had the same Notion of the *moral* World, that certain Philosophers have of the *natural*; and that the quantum of Oaths in Society, was like the quantity of Motion in the Universe, always to be kept the same; and a want in one Place to be made up by an abundance in another.

ligion,

ligion, as such, was no farther under his Direction. The Consequence is, that no particular Scheme or Mode of Religion was under his Care as a Magistrate, 'till he had covenanted and compacted to that Purpose ; as we shall see hereafter. But for a fuller Proof of the Necessity of these *three great Principles* to a State, I refer the Reader to the first Book of *The Divine Legation of MOSES* ; where he will find the Cavils of Mr. *Bayle* against that Necessity confuted at large.

THUS it is seen, that tho' the Conservation of these Principles belongs to the Magistrate, it is not because they make a part of the Civil Institution, (for this would be violating the Unity of its End,) but as they are the very Rock, and Foundation on which the Edifice of a Common-wealth is built. Nor is it, for that, the less within the Province of the Magistrate. It was equally the concern of the antient *Ædiles* at *Rome* to see to the support of the Foundations as well as to the repair of the public Buildings erected on them. Nor is this Distinction made without Reason. For if the Care of these Principles was within the Magistrate's Jurisdiction,

as

as making part of the Civil Institution, his Office would extend to the *Care of Souls* ; and then I can see no Reason but that more might, with equal pretence, enter in, 'till the whole of Religion devolved upon him. And how mischievous this would be to the State, and how much more mischievous to Religion, the following Discourse will amply demonstrate. But if these Principles are within his Care only as they are the Rock on which Society is erected, there is then abundant Reason why it should not be enlarged. And yet many Policies, both ancient and modern, by a preposterous kind of Architecture, that enlarges the Foundation at the same time that it narrows the Superstructure, have so surrounded the Commonwealth on all Sides with this Rock, that it puts one in mind of the old Punishment of immuring Malefactors within four Walls. For a mistaken Regard to Virtue and Religion hath, in all Ages, disposed the Magistrate to deviate from his proper Office ; 'till at length the Care of the Soul got the upper Hand of that of the Body, in his Administration ; to the infinite Damage of Mankind in all his Interests.

THO'

THO' one may easily conceive the Magistrate industriously propagating this flattering Delusion in order to add Power to his Office, and Veneration to his Person ; yet, I am persuaded, Mistake first introduced this Mischief ; tho' Fraud might, perhaps, contribute to support it. Because I find the Error to have spread itself even into those Communities where public Liberty, and consequently where public Good, have been most aimed at, and effected. Which hath so riveted the Mistake, in the Minds of some, concerning the Magistrate's real Office, that they have censured the wisest Administrations unjustly : For, borne away with the Notion that his Office extended to the Care of Souls, and finding the best Institutes of Civil Laws framed with a manifest Disregard to that Care, they have rashly accused them of Carnality and Irreligion.

To vindicate such Constitutions, and to remove this only Objection to the Principles here laid down, it may be proper to trace up, from their Original, the several Causes that have concurred to the Mistake of the Magistrate's real Office : By which it will be seen,
that

that that which makes most for it, its *Antiquity*, only shews the *Inveteracy* of the mistake.

I. THE first ground of this Error was the confused Mixture of Civil and Religious Interests, to which the Magistrate, in the Execution of his Office, had his Regard attached. This several Causes had in several Ages contributed to effect.

AS FIRST, In the Infancy of Civil Society, Fathers of Families, who always executed the Office of the Priesthood, when they advanced, or were called up, to the Administration of public Affairs, carried that sacred Character with them into the Magistracy: And continued to execute both Functions in Person. So that the *Care of Religion*, which was thus by *Accident* attached to the *Person* of the Magistrate, would naturally in time be thought to belong to his *Office*.

SECONDLY, Most of the antient Lawgivers, and Institutors of Civil Policy, having found it necessary, for the carrying on their respective establishments, to pretend to Inspiration and the extraordinary Assistance

of some God^d, unavoidably mingled and confounded Civil and Religious Interests with one another ; so as to animadvert on Actions not only as *Crimes* against the *State*, but as *Sins* against that *God* who patronized the Foundation ; and consequently, sometimes, to make their Adjustments and Proportions between the Action and the Punishment rather according to this latter Consideration.

THIRDLY, Pagan Religion had for its *Subject* not only each Individual, the *natural Man* ; but likewise the *artificial Man*, Society ; for whom, and by whom, all the *public* Rites and Ceremonies of it were instituted and performed^e. So that here the Care of Religion became the Care of the Republic : The Consequence of this was, that Religion held the Government in Partnership ; and nothing was consulted or executed without the Advice of the Oracle. Prodigies, and Portents were as common as Civil Edicts ; and bore as constant a Share in the public Administration.

^d See *The Divine Legation of MOSES*, Book ii. § I.

^e *Ibid.* Book ii. § I.

FOURTHLY,

FOURTHLY, In after Ages, when the *Roman* Emperors became *Christian*, agreeably to the Zeal of new Converts, they made the *Civil* Institutes *religious*, by introducing Laws against *Sin* ; in which, as they were told by their Teachers, they were not only authorized, but directed, by the Examples and Precepts of that *Scripture*, which they professed to believe. This greatly contributed to confound the Distinction of a Church and State. However, this false Judgment did not owe its Birth to the *Christian* Religion ; by which so exact a Distinction between the two Societies is marked out and enforced, as is not easy to be mistaken ; but to the *Jewish*, in which those Societies were consolidated, and, as it were, incorporated. For here they saw, in a Civil Policy instituted by God himself, and so, to be esteemed most perfect, and, of course, worthy the Imitation of all Magistrates who professed themselves the Servants of that God, *Sins* and *Crimes* to be equally within the Magistrate's Jurisdiction. They did not reflect that *that* Jurisdiction was the necessary Consequence of a THEOCRACY^f, a Form of Government diffe-

^f *Div. Leg.* Book v.

rent in kind from all human Policies whatsoever.

FIFTHLY, In these latter Times, when the great Separation was made from the Church of *Rome*, in the fifteenth and sixteenth Centuries; the People, in most Places, except in *England*, procured their national Reformation; led on by their Ministers, whose Heads were full of the *Jewish* Dispensation ill understood. And, in some Places, it being the Fortune of the State, as well as Church, to be new modeled, it is no wonder that, under such Artificers, a ridiculous Imitation of the *Jewish* State was affected; and, consequently, that such Magistrates shewed a greater Concern for restraining *Sins* than *Crimes*. And here I cannot but, with much Grief, observe, that this wrong Judgment was not only pernicious to Civil Society, but highly injurious to the Interests of the *Protestant Religion*. It did indeed contribute more than any one thing besides to rivet *Popery* upon us, that was then shaken to, what it self calls, it's Centre of Unity. It put a sudden Stop to the glorious Progress which the *reformed Religion* was then making throughout *Europe*,
from

from *East* to *West*. For the well disposed Princes on the Continent finding, in the *reformed* Ministers, a pragmatic Spirit that was for modeling the State as well as Church, on their own Theological Standard, adhered, or fell back, to the Papal Power : as preferring an Ecclesiastic Tyranny they had been used to, before a new one, whose Principles threatened an entire Subversion of the established Policies. The excellent *Grotius* shall be my Warrant that I have given no injurious Account of the Conduct of the reformed Ministers : who, in the History of his own Country, has exhibited to us a very lively Representation of this whole Scene. Speaking of the *Establishment* of the *reformed Religion* by the *States of Holland* he says :— “ Recepta PUBLICÆ disciplina,
“ quæ Genève & in Palatinatu Germaniæ pas-
“ simque alibi docebatur : hoc tamen inter-
“ est, quod ejusdem religionis ALII *diver-*
“ *sas minus tolerant* : QUIPPE NON IN HOC
“ TANTUM ORDINATAS A DEO CIVITA-
“ TES AC MAGISTRATUS DICTANTES UT
“ A CORPORIBUS ET POSSESSIONIBUS IN-
“ JURIÆ ABESSENT, SED UT, QUO MORE
“ IPSE JUSSISSET, EO IN COMMUNE COLE-
“ RETUR ; CUJUS OFFICII NEGLIGENTES
“ MULTOS

“ MULTOS POENAM, ALIORUM IMPIETA-
 “ TI DEBITAM, IN SE ACCERCISSE. Con-
 “ tra, istæ nationes non modo, &c^r.”

NOR was *England* altogether free from the Effects of this Disorder. For those amongst us who were called *Puritans*, having, during the distressed State of Religion at home, been obliged to reside abroad amongst these new Modelers of Church and State, imbibed their ruinous Notions of Reformation : and returning home, on the Approach of better Times, began early to enforce their Whimfies to the Disturbance of their own Country, 'till *Hooker*, in his immortal Book of *Ecclesiastical Policy*^h, put a Stop

* *Annales de Rebus Belgicis*, lib. ii. Anno 1572.

† It is very true that the new modeling *ecclesiastical* Government was the principal Point debated in that famous Dispute : But then the *Puritans* contended for that Reformation on Principles that equally concluded for a Reformation in the Civil likewise : And this, Mr. *Hooker* well understood, when he took so much Pains to overthrow their fundamental Maxim, the *Head Theorem*, as he calls it, of their Scheme :— *That the Scripture of God is in such sort the Rule of human Actions that simply whatsoever we do and are not by it directed thereunto, the same is Sin.* Now who sees not that this Principle pursued, directly and necessarily, brings on a Reformation of the Civil Government upon *Jewish* Ideas? The very

E

Error

a Stop to this epidemic Madness. So that the Spirit of Purity seemed now to be subdued : When, towards the Conclusion of our last unhappy Civil Wars, the famous Mr. *Baxter* took Advantage, on the Ruins of the Constitution, to write his *Book of the Christian Commonwealth*.

II. A SECOND Cause of this Error arose from what is called the *Establishment of Religion* in the State. There never was a Civil Society, ancient or modern, but what had a RELIGION BY LAW ESTABLISHED. Which arising from a League or Union between the Civil and Religious Interests, it receives a delegated coercive Power from the State ;

Error of the reformed Ministers of that Time. This, as we say, was not hid from the Penetration of this great Man, *The Reason*, (says he, in his Preface,) *where-with you would persuade that Scripture is the only Rule to frame all our Actions by, are in every Respect as effectual for Proof, that the same is the only Law whereby to determine all our Civil Controversies : And therefore to root it out for ever was the main reason, I suppose, why, in a particular Dispute, he goes so far back as to give a long Account of the original of Laws in general, their several Kinds, and their distinct and contrary Natures.— But the best Comment on this Puritan Principle are their Actions, when in Power. They once had that Power.—Their use of it is well known.*

which

which, instead of applying to the Promotion of their joint Interests, as was the Intention of the Trust, it is too apt to divert to the support and increase of it's own. But of this, more hereafter. Now, one Error arising from such Establishment was, that these Powers of the Civil kind, which the Religious Society, in such Circumstances exercised, were inherent in it : And those who fell not into this, but saw it was a Power borrowed from the State, yet ran into an opposite ; namely that the restraining *Sin*, which was aimed at in the right Application of this *borrowed* Power, was one of the natural, essential Tendencies to which the Civil Magistrate, as such, should *himself* direct that Power. Whereas, indeed, such Application was only the result of that Union between the Civil and Religious Interests.

III. A THIRD Cause of this Error was, That, tho' in many Cases, the Malignity of an Action varies, as it is applied to Civil or religious Interests ; and that the Direction of Civil Laws are generally regulated on the Degree of Evil it occasions to the State ; yet, very often, too, the Proportions are the

same, and the Malignity of the *Sin* and *Crime* is equal. In such Cases then it could not be seen, by those Laws alone, which was in the Legislator's Intention to punish; the *Crime*, or the *Sin*. And therefore the People concluded for both. Add to this, that these complex Modes, being made up of many simple Ideas, common to both, were not easily discerned to be, what they really are, two distinct Modes, but though two Terms only of one and the same; and so became perpetually confounded: Which would very much help forward the Error whose Original we are here deducing.

IV. BUT the last general Cause we shall assign of this Error, was the Magistrate's Punishing, in his own Right, some immoral Actions, *as Sins*: and even going so far as to restrain *speculative Opinions*. We have observed, that the only bond of Society amongst Equals is the Sanction of an *Oath*, as it is an appeal to Heaven, the Avenger of Falshood and Injustice. And *Common Swearing* directly tending to destroy the Reverence due unto it, all States have concurred to punish that Impiety. But an Oath derives it's Force and Virtue from those Three great Principles

Principles of Natural Religion, *The Being of a God,—His Providence,—And the essential Difference of good and evil*: Which therefore come within the Office of the Civil Magistrate to support. Now the People seeing moral Actions, as they regard the Deity, and speculative Opinions, as they regard the Truth, the two Parts that make up Religion, in the largest Sense of the Word, under the Magistrate's Jurisdiction, and not considering the reason, as above explained, concluded that Religion in the whole, and in general, was under his Care and Direction,

C H A P. V.

Of the Nature and End of Religion.

HAVING thus explained the Nature and End of Civil-Society, together with the Original of those Errors that Men and even States, in every Age, have been apt to entertain concerning it, I come, as I proposed, in the next place, to treat concerning RELIGION; whose End is first, *to procure the Favour of God*; and secondly, *to advance and improve our own intellectual Nature.*

As to the *first* End, the *Favour of God*, this, common Sense informs us, one Man cannot procure for Another, nor hinder him from procuring ; but as Integrity of Heart is what alone recommends us to his Favour, every one hath it in his own power ; and the hindrance comes only from himself. It is evident, that Man in his *religious* Capacity, had no Occasion to constitute a Society for securing to himself the *Favour of God* ; as he had in his *social*, to secure to himself the Enjoyment of his Liberty and Propertyⁱ. If, therefore, as a Religionist, he entered into Society, it was for a Reason different from that for which, as a Civilist, he invented a Commonwealth ; that is, it was not to secure himself against the Malice of Man.

AND this leads us to consider the *second* End of Religion, namely *the Advancement*

ⁱ Regium Imperium quietem publicam, Episcoporum sollicitudo felicitatem æternam hominibus procurat, testante Apostolo. Reges sæcularibus, Pontifices spiritualibus ordinandis se impendunt. Quamdiu neutra potestatum in alienos limites infiliet, mutua concordia res Christiana amplificabitur.---Soli Principi potestas in hæc terrena & temporalia imperandi asseritur, ut Ecclesiæ sacra & spiritualia procurandi. *Marco, lib. 2. c. 1. F. T.*

and

and Improvement of the intellectual Nature.

Now this, we can as easily conceive how a Number of *Religious* Creatures consociated may advance, as we can how a Number of *worldly* Creatures consociated may advance and improve the animal Nature, the *secondary* End of Civil Society.

To see the *Necessity* of forming this Society, we are to consider how the *intellectual Nature* is improved by Religion.

RELIGION, as an Act or Exercise regarding its Object, is a Commerce and Intercourse with the supreme Cause of all Things. Which consisting, on our Parts, in suitable Sentiments raised in us by *Contemplation on his Nature, and on the Relations we stand in towards HIM*, the proper and adequate Object of all dependent Beings, must needs advance and improve our *intellectual Nature* to its height.

BUT now it may be asked, whether this Intercourse, as it begins, so likewise, it doth not end in mental Exercise; and, consequently, whether Religion be not, what *many* seem now disposed to think it, *but a*

kind of divine Philosophy in the Mind; that composes {only a *spiritual and mystic Body* of its Followers. For if this be indeed the Case, there is an End of all *Religious Society*; such a Religion neither standing in need, nor being capable of, actual Community.

To resolve this Question, we are to consider, that, as Religion is an Intercourse with the *universal Cause*, it is the Object of all rational dependent Beings. Now we can easily conceive how a mere *mental Religion* may fit the Nature of pure immaterial Spirits, of which doubtless there are innumerable Degrees within the vast Limits of the Creation. But Man being compounded of two contrary, tho', by the divine Skill, uniting Natures, *Soul and Body*, it seems necessary, at first Sight, that his Religion *here*, should partake of the Character of its Subject, and be composed equally of *internal Meditations*, and *outward Acts and Offices*. This will appear on considering his *Nature* resulting from this Composition; and the *Circumstances* in which Providence hath placed him. To fit us to the Station here assigned us, it was seen proper, as we find by
Expe-

Experience, that the Passions of the Mind should be greatly influenced by the Temper of the Body ; in which likewise, the intellectual Faculties should be so enveloped as to render vain all Attempts of emancipating ourselves from Matter, while our Business was in this gross corporeal World. Now how unfit such Beings are for a mere *mental Religion* appears evident from the very State of the Case. Experience likewise hath constantly confirmed our Observations. For whenever Men, by a mistaken Aim at Perfection, have endeavoured, in their religious Exercises, to defecate the Grossness of Sense, and soar up into the Region of pure Ideas, it has been found that just as the Difference of the *Constitution* was, so has been the Consequence and Issue : For if *cold* and *phlegmatic*, their Religion has sunk into Indifferency and Disgust ; if *bilious* or *sanguine*, it has flown out into all the Madness of Enthusiasm.

BUT further, our Station and Circumstances here, contribute to render our natural Incapacity, for such a mental Religion, still more invincible. The Supply of the Necessities and Conveniencies of Life, thro' all our Intercourses for the Satisfaction of those Necessities and Conveniencies, subjects

us to perpetual Converse with the most sensible and material Objects. But continued Converse induces Habits. And of what Force Habits are in keeping the Mind bent their Way; and how obstinately they adhere to it, when we endeavour to get free of them, is as well known, as it is difficultly remedied. Now these Habits are so opposite, so averse to, so incompatible with mental Contemplation, and render us so totally unfit for it, that, to do even so much that Way, as the very Being of Religion requires, we must bribe Sense and Matter, and draw them against themselves, to assist us in the rational Offices of Religion. If we add to this, that the common People, which compose the gross Body of Mankind, and for every one of which Religion is intended, are by their Station and Employments, both by Nature and Converse, most immersed in Matter, we shall need no further Proof, that a mere mental Intercourse with God, which makes Religion only a *Divine Philosophy in the Mind*, is altogether unfit for such a Creature as Man in his present Station upon Earth.

BUT supposing all these Impediments of ideal Devotion to be away; yet if Men be

not so far spiritualized as to give and receive an intuitive Knowledge of one another's mental Acts of Religion, still such a Religion would not properly fit them. Because it is essential to the due Exercise of Religion, that open Profession of it be made so as to be seen by others. For, the same Reason which tells us it is our Duty to acknowledge all the Relations we stand in towards God, tells us it is equally our Duty to make those Acknowledgements public. Again, of the Blessings Providence bestows upon us, some are to the Individual, and others to the Species in common. Now, as Return of Thanks is due from each Individual for the Blessings he has received in particular; so Reason tells us, that for those bestowed on the Species in common, a joint Return should be made, by as many of the Species together as can conveniently assemble for this Purpose.

FROM what has been said then it appears, that such a Religion as is suitable to the Nature of Man, here, must have *the Meditation on the Divine Nature* drawn out into ARTICLES OF FAITH; and *the Meditation on our several Relations to him*, into suitable and correspondent ACTS OF RELIGIOUS WORSHIP;

SHIP ; and both of them to be professed and performed in COMMON. Which Things, as we shall now shew, require the Aid of a SOCIETY to establish, regulate, and preserve.

1. *Opinions* concerning the Nature of the Deity so entirely influence all Religious Practice that *this* invariably takes its Character from *those* ; and becomes more or less perfect as *those* are nearer to, or further from the Truth^a. On which Account the greatest Care is to be taken in preserving those Opinions pure and untainted. But this cannot be done but by a Society ; which may be understood even by the mention of those two Ways that all such Societies have ever put in Practice. 1. By reducing Men's Belief into one common Formulary. And 2. By making the Profession of that Formulary the Term of Communion. For by this means there is a *Summary of Belief* in Aid of the Ignorant ; and a *common Repository* that Men may always have Recourse to for Information. Where it is to be observed, that the wider the Bottom is made, and the more general the Terms of Communion,

^a See *Plato's Euthyph.*

(consist.

(consistent with the well being of a Society)
the wiser and juster is that Religious Institution.

2. THE several *Acts of Religious Worship* are correspondent to the Sentiments arising in us from our Meditation on the several Relations we stand in towards God, with Design to aid and improve those Sentiments. Now, as Meditation, without these outward Acts, is apt, as we have shewn, to fly out into *Enthusiasm*; so outward Acts of Religion not regulated by, nor adapted to those Sentiments, are as subject to degenerate into a childish unmeaning *Superstition*. Which, how much it depraves all the Faculties of the Mind, as well as dishonours the Service of our Maker, is disputed by no one acquainted with the Nature and Effects of this direful Evil. The greatest Care therefore is to be had, that these Acts be preserved *simple, decent, and significative*. But this can be done only by providing Persons set apart for this Office; whose peculiar Employment it shall be to preside in, direct, and superintend the Acts and Services of Religion, lest any thing childish, profane, or superstitious should (as it certainly would,
if

if left to every one's Fancy) obtrude itself into them. Now public Officers and Ministers must act by some *common Policy*, which may regulate and settle their several Employments, Powers, and Subordinations. But that *Policy* is no other than the Laws of a Society properly so called.

WHAT hath been here said is sufficient to manifest the Divine Wisdom of the *Author and Finisher of our Faith*, who, revealing the Will of his heavenly Father to Mankind, actually formed our holy Religion into a Society, on a common Policy, with public Rites, proper Officers, and a Subordination of the Ministry. So that tho' we had not proved that Religion forms a Society by *Nature*, from whence arises the Equity of an *Established Religion* at large : yet we now find it doth so by *Institution*, which justifies an *Establishment* wherever the Religion professed is the Christian. But, how certain it is that *Religion composes a Society by Nature* ; and, at the same Time, how little the plainest Truths are secure from Contradiction ; we may see by a remarkable Case, in the Rise and Progress of the People called *Quakers*. These Men, notwithstanding

ing the Records of Sacred History tell us, that *Jesus* instituted a Rule and Government, and formed his Followers into a *Church* or Society, yet regard *Christianity* as only a kind of Divine Philosophy in the Mind, it being the fundamental Principle of this Sect, *That there is no other Reason or Measure of Compliance or Conformity, in Matters relating to God, than the Conviction of the Light and Spirit of Christ in every Conscience.* But here lay the Mischief; the very Principle on which this wise Sect was formed, had a necessary tendency to its immediate Destruction, reducing all aggregate Bodies to a mere heap of Sand. And in fact it was running into all the ruin consequent on such a Principle, when *Pen* and *Barcley* arose to lick this Abortion into Shape. *Pen* soon perceived that no Sect could subsist on such a Principle; and therefore set upon convincing his *Friends* of the necessity of some common Policy: But perceiving that if he should insist on that Necessity for the Sake of *Religion*, he should too openly contradict their darling Principle; or perhaps indeed putting the Change upon himself, he argues for this common Policy from the Benefits resulting from

from it to *Civil Life* : And thus, instead of a *Church*, he hath helped to make a *Quakerism*, considered in its Discipline, a *Civil Community* or *Corporation* : And such indeed it is at present in great Perfection. A memorable Instance, that Truth rarely fails of requiting it's Opposers : While these very Men, the most averse to every Thing that looks like a Church, or Church-Policy, have by their Use of it, under another Name, borne, before they were aware, the strongest *Testimony* of it's necessity.

I. RELIGION thus composing a Society, we are now to consider what kind of Society it is. First then it must needs be SOVEREIGN, AND INDEPENDENT ON THE CIVIL^b. Natural Dependency of one Society on another, must arise either from the *Law of Nature* or of *Nations*.

^a Regnum & Sacerdotium distinctas potestates in suo quamque ordine supremas esse—omnia monumenta clamant, &c. *Defensio declarationis celeberrimæ quam de potestate ecclesiastica sanxit clerus Gallicanus 19 Martii 1682 ab illust. ac Reverend. JACOBO BENIGNO BOSSUET, Meldensi Episcopo, ex speciali jussu Ludovici Magni Christianissimi Regis scripta & elaborata, l. 5. c. 3. F. T.*

DEPEN-

DEPENDENCY by the *Law of Nature* is from *Essence*, or *Generation*. Dependency from *Essence* there can be none. For this kind of Dependency being a Mode of natural Unity and Coalition; and Coalition being only where there is an agreement in *eodem tertio*, and there being no such Agreement between two Societies essentially different as these are, there can possibly be no Dependency: For that Civil and Religious Societies are *essentially different* is evident from their having *different Ends and Means*; the ultimate End of one being the Care of Souls, and *that* of the *other*, of Bodies; and the Means of the one being by *external* Actions, and that of the other by *internal*. Dependency that arises from *Generation*, is where one Society springs up from another, as Corporations, Colleges, Companies, and Chambers in a City. These, as well by the Conformity of their Ends and Means, as by their Charters of Incorporation, betray their Original and Dependency. But *Religious Society*, by Ends and Means quite different, gives *internal* Proof of its not arising from the State; and we have shewn^c, by *external*

^c See *The Divine Legation of MOSES*, Book iii. § 6.

Evidence, that it existed before the State had any being.

AGAIN, no Dependency can arise from the *Law of Nations* or the Civil Law. Dependency by this Law is, where one and the same People composing two different Societies, the *Imperium* of the one clashes with the *Imperium* of the other: For, in such Case, the lesser Society becomes, by that Law, dependent on the greater; because the not being so, would make that great Absurdity in Politics called *Imperium in Imperio*. But now Civil and Religious Society having Ends and Means entirely different; and the Means of *Civil* Society being *coercive Power*; which Power, therefore, the *Religious* hath not^d; it follows that the Administration of each Society is exercised in so remote Spheres that they can never meet

^d Verum dominatum esse penes Reges, non autem penes Sacerdotes—in Legibus Ecclesiasticis locum non habere summum imperium, in quo ordo imperandi & parendi id exigit, ut subditi dominorum mandatis cedant, quemadmodum Apostoli disertissime docuerunt.—Dominus Ecclesiasticam potestatem & regiam componendo, Apostolos allocutus hæc verba protulit, “Reges gentium dominantur eorum, vos autem non sic.” *Marca, in præfatione secunda.* F. T.

to clash ; and those Societies which never clash, Necessity of State cannot bring into Dependency on one another.

INDEED, was the common Opinion true, which we have been at some Pains in confuting, *That the Magistrate's Office extended to the Care of Souls*, it would then follow, from what we have said of Dependency from *Essence and Generation*, that the Religious Society was subservient to, and a Creature of, the State : For then it could not be reasonably thought constituted but by the Magistrate ; and constituted by him to serve and help him out in the Discharge of his Office ; who might have endowed his Church, in its first Constitution, with what Powers he thought proper. *Hobbes* and his Followers pushed this Matter home. They supposed that, if indeed there was any Soul to be taken Care of, the Care naturally devolved upon the Civil Magistrate ; who, by Delegation, might transfer it on proper Officers, commissioned by him to model, and bear Rule in, a Church. And because somebody or other at that Time chanced to think that the People were the Keepers of the King's Conscience ; he, who above all

F 2

things

things loved Contradiction, would needs have it that the King was the Keeper of the People's.

ON the other hand, *did the Care of the Religious Society naturally extend to the Body and its Concerns*, then would the *State* run a Risque of becoming dependent, and a Creature of the Church. For *Religious Society* having the noblest Province, the Care of Souls; and the most extensive, when the Care of Bodies is joined to it; and pretending, for the most part, and, sometimes really having, a *divine Original*, while the State has only a *human one*; as much as the *spiritual* excels the *corporal*, the *Whole* only a *Part*, and *divine Authority human*, so high would Men deem the *Religious Society* above the *Civil*: And that Superiority which the Church would thus claim as of *Right*, she would find within herself a *Power* to maintain. For the Care of Bodies necessarily implies an inherent *coercive Power* in whatever Society that Care is found.

AND in effect these Conclusions have been long ago reduced to Practice under the *Christian Religion*. For the Church of *Rome* having

having entertained this extensive Idea of a Religious Society, she has, consentaneously thereto, exalted *the Chair Apostolic* far above the Thrones of mere earthly Potentates; of whom she has required and received Homage; and once bid fair for making that Homage universal. For she would persuade us, as it should seem, that when *Jesus* said, *His Kingdom was not of this World*, that he had before transferred it, with the Keys of the other, to *St. Peter*.

BUT this however is worthy our Observation, that, as different Ways as the *Hobbeist* and *Papist* look, in Speculation, they tend to the same Point in Practice. For tho' the *one* would have the Magistrate discharge his Office only as Executioner of the Church; and the *other* authorizes him to use his Power as the Maker and Creator of it; yet they equally concur in teaching it to be his Right and Office to domineer over Conscience. What they differ in, is only a Point of Ceremony.

II. We come now, in the second Place, to shew *that this independent Religious Society*,
HATH NOT, IN AND OF ITSELF, ANY

COERCIVE POWER OF THE CIVIL KIND^e; its inherent Jurisdiction being in its Nature and Use entirely different from that of the State. For if, as hath been proved, *Civil Society* was instituted for the attainment of one species of Good, all other Good, requisite to human Happiness, being to be attained without it; and that Civil Society attains the Good for which it was ordained by the sole Means of coercive Power, then it follows, that the Good which any other Kind of Society seeks may be attained without that Power: Consequently, coercive Power is unnecessary to a *Religious Society*. But that Means, which is *unnecessary* for the Attainment of any End, is, likewise, *unfit*; in all Cases, but in that where such Means are rendered unnecessary by the use of other

^e Observandum est sententiam meam abesse a *Fortunii* *Garcia* opinione, qui eundem esse Legum civilium & canonicarum finem contendit, adeo ut Legi civili non solum propositus sit finis promovendæ tranquillitatis publicæ, sed etiam veræ æternæque felicitatis civibus procurandæ. Hoc enim præcipuum est discrimen inter canonum decreta & Leges publicas, quod illa unicuique Christiano felicitatem æternam parent, & ad eum finem instrumenta accommodata subministrent; hæc vero reipublicæ pacem & singulorum civium, quatenus sunt partes reipublicæ, promoveant, &c. *Marca*, l. ii. c. 10. F.T.

Means

Means of the same Kind or Species. But Religious Society attains its End by Means of a *different Kind* ; therefore coercive Power is not only unnecessary, but unfit. Again, *Ends* in their Nature different can never be attained by one and the same *Means*. Thus in the Case before us, coercive Power can only influence us to outward Practice ; by outward Practice only is the *Good*, which Civil Society aims at, immediately effected ; therefore is coercive Power peculiarly fitted to Civil Society. But the *Good* which Religious Society aims at, cannot be effected by outward Practice ; therefore coercive Power is altogether *unfit* for that Society.

I. BUT it may be objected, that tho' indeed *outward Practice* doth not affect Religion, as it is the Object of each Individual, yet it does affect a Religious Society ; *Salvation of Souls* being the End of Religion, but *Purity of Worship* the End of Religious Society. Now Purity of Worship is affected by outward Practice ; and to outward Practice is coercive Power fitly applied.

To this we reply, that *Purity of Worship* is the immediate End of Religious Society,

and *Salvation of Souls* the ultimate End thereof. Consider then Religious Society, with regard to its ultimate End, and all we have said above of the Unfitness of coercive Power still holds good. Consider it with regard to its immediate End, Purity of Worship; and then, indeed, there will appear no Unfitness in the Application of coercive Power. Thus do we gain by the Objection a Concession, that we must otherwise have demanded as the Foundation of a Claim we always reserved to ourselves to make in Favour of Religious Society, which is, that it hath in itself the Power of expelling refractory Members from its Body, or, in other Words, *a Right of Excommunication*. Nor is this retaining any thing we had before given up: for if Excommunication may be properly called a coercive Power, it is yet no coercive Power *of the civil kind*, or which the State could exercise; the sole Power here denied to be inherent in a Church. It only then remains to prove, *that this Power is usefully and necessarily applied,—that it is all which Religious Society stands in need of,—and that more is unfit and unjust.*

As

As the immediate End of Religious Society is Purity of Worship ; and as a necessary Means of preserving that Purity is *Uniformity of Worship* ; which Uniformity cannot be maintained but by expelling from the Community all who refuse to comply with that publickly established, therefore *this Power of Expulsion in every Religious Society is most fit and useful.* But we will go further, and say, that every Kind of Society, whatever be its End or Means, must necessarily, as it is a Society, have this Power of Expulsion : A Power inseparable from its Essence ; which consists in the Conformity of the Will of each natural Member to the Will of that artificial Body which Society produces : Which Conformity being violated, as it must be without the Expulsion of the Disturbers of it, the Society dissolves, and falls back again into nothing. Just as the natural Body would do, should not Nature, whose Conduct Societies, in this Case, imitate, evacuate noxious and malignant Humours.

BUT then, secondly, this so useful and necessary Power is *all that a Religious Society stands in need of.* For by the Exercise of
this

this Power, Conformity in Belief and Worship is preserved ; which securing the Essence and End of a Church, is all that is necessary to the well being of Society.

IN the last Place, *more* coercive Power, in Religious Society, than this is *both unfit and unjust*. That it is *unfit* appears from hence : The immediate End of Religious Society being Purity of Worship, it requires outward Conformity, to what is publickly established : And, at the same Time, its ultimate End being the Salvation of Souls, it requires likewise that this outward Conformity be accompanied with a suitable Disposition of Mind ; but any further Power than *simple Expulsion* tends naturally to make a Divorce between these two Things. For such further Power *forces*, more or less, to *outward* Compliance with the Community ; but as the Will cannot at the same Time be forced, here is likely to be only outward Compliance, without an inward Disposition suitable thereunto : So that by this Means the ultimate End of Religious Society becomes defeated : Further Power therefore than *simple Expulsion* is *unfit*. That further Power is *unjust*, appears from

from hence : By the Law of Nature every Man hath a Right of worshipping God according to his own Conscience. Now when it happens that a Member of a Religious Society cannot conscientiously join in the public Worship, and be on that Account expelled by the Society, in order to preserve its Essence and End, such Member is so far from being debarred, by that Expulsion, of his Right of worshipping God according to his own Conscience, that he is thereby put into a Way of exercising his Right. But if any further Power be allowed, either of keeping such Member within the Society against his Will ; or of annexing, to Expulsion, any Mulct on his Person, Goods, or Reputation ; in such Case, the Right of Nature is scandalously violated^f: A Force being put upon his Conscience, either by direct Restraint, or by obliquely biasing the Determination of his Will. All coercive Power therefore, other than *simple Expulsion*, is unjust.

^fCum ergo & Christus & Apostoli, quo loco explicant ecclesiasticæ potestatis censuræque vim summam, nihil de adimendis temporalibus juribus aut rebus edicant, satis profecto constat non id ad potestatem Ecclesiasticam pertinere. *Bossuet, l. v. c. 23. F. T.*

2. But it will be again urged perhaps, that, in thus removing one Objection, we have made way for another ; which is, That by granting a coercive Power to the Church, for such, they will say, is the Right of Excommunication, we destroy the Argument of her Independency by the *Law of Nations*, founded on her having no coercive Power ; which Power clashing with the State's, brings in an *Imperium in Imperio* ; to remove which, *that* Law prescribes her Dependency. This too admits an easy Answer : We say that Civil Society having no Right to reward any of its Members by Admission into a Religious Society ; and no Right to punish by excluding from it ; the Church's Exercise of this Power can never possibly clash with the State ; And consequently the Argument for its Independency still holds good.

WE are now come round ; and have at length demonstrated, what in the Beginning of this Chapter we had asserted, that RELIGIOUS SOCIETY HATH NO COERCIVE POWER OF THE CIVIL KIND : For we have shewn that this Power of Expulsion from

from a Religious Society, is not a Power which the State can exercise.

NOR doth the Denial of a coercive Power make the Church an enervated defenceless Body, exposed either to the Injuries of those without, or to the Insults of those within: It hath still all the Power and Authority, that, as a Religious Body, it can exercise; all that is necessary to preserve it a regular well ordered Society; in which are Rites and Ceremonies, Ministers with Degrees of Subordination, and judiciary Assemblies: For the Power of constituting a Discipline and a Formulary of Communion, both enforced by Excommunication, will still be left it. What hath made some well meaning Men apprehend sad Consequences from the Church's being thus left without the Guard of coercive Power, is their seeing it stand possessed of some Advantages, by them supposed essential to a Church, which coercive Power only can secure. But these may be eased of their Apprehensions by being told, that those Advantages are only adventitious §, and bestowed upon it by the State,

§ Nempe utriusque potestatis sancta societas postulabat, ut altera alterius munia in speciem usurparet, ex jure quo

State, in Consequence of an *Union* ; and as the State granted these, it granted coercive Power likewise to defend them ; and that, when the Union is dissolved, they both fall together, without any essential Damage to the Church as a Religious Society.

THUS have we endeavoured to establish these *two great essential Characters* of a religious Society, its INDEPENDENCY, and its DISCLAIM OF COERCIVE POWER : Where it is worth observing, that the Arguments we have employed to prove each of these Characters belonging to it, are strongly enforced by the necessary Connexion there is

quo amici amicorum rebus utuntur—Quo demonstratur non esse semper pro vero innatoque Ecclesiæ jure reputandum id quod ea egerit, habuerit, decreverit, tacentibus Regibus ; sed diligentissime fecernenda quæ a Christo concessa sunt, ab iis quæ Regum autoritate, consensu, permissu, conniventia, silentio denique jusserit aut habuerit.—Ac tamen si nullæ concessiones producuntur, valere tamen ea omnia ex concessione tacita facile demonstrabunt. Quid ita ? Quia scilicet ipsa rerum natura docet ecclesiastica non nisi per Ecclesiam haberi posse. Sic ubi Ecclesia feudos adimit, concedit, aut aliud quid ex civili potestate decerpit ; ea civilis potestatis consensione saltem tacita accepta referemus. *Bossuet. Defensio Declarationis, &c.* l. viii. c. 4. F. T.

between

between them. For admit the Religious Society to be *independent*, and you invincibly destroy all Pretence to *coercive Power*; because coercive Power introduces an *Imperium in Imperio*, which is removed only by destroying the Independency. Admit again, that Religious Society has *no coercive Power*, and you supersede all the State's Claim of *Dependency*: A Claim solely founded on the Evil of an *Imperium in Imperio*, which Evil can arise no otherwise than by the Church's Exercise of an inherent coercive Power: And yet these plain, and almost self evident, Principles have had so ill Reception in the World, that They have been overlooked and neglected, while two very different Systems of Church Government, have divided the general Suffrage between them. Different, I say, not only from ours, but from each other; yet agreeing in this, to make an unnatural Divorce of the two essential Characters, which we have shewn have an inseparable Connection in Nature, *Independency without coercive Power*: The one giving to the Church this Independency *with* coercive Power; and the other stripping and depriving it of both together.

I. THE

I. THE first of these Systems is that of THE JACOBITE CLERGY ; which contends for the absolute Independency of the Church, with all the Prerogatives and Powers it is found to stand possessed of under an Establishment. If this Error be not sufficiently detected already, the shewing, as I shall do in the next Book, how the Church became possessed of several of its Prerogatives and Powers, now legally enjoyed by it, will abundantly expose it. I will only observe, that this Model, if indeed it be not the true POPISH System a little disguised, is infinitely more irrational than that : Because a Church with inherent coercive Power, that, with a false Modesty, stops at mere Independency, offers a Scheme attended with all the Evils of an *Imperium in Imperio* ; which the going one Step further, and taking the State into Pupilage and Protection, would effectually remove. Backwards or forwards it must needs go : For a Church so circumstanced, in order to avoid those Evils, which *neither Gods nor Men can bear*, must fall into the State ; or the State into it. This the Court of Rome plainly saw ; and therefore chose the better Part. And a Pretence they did not want. For an inherent coercive Power, in
I the

the Church, necessarily implying a Care of Bodies, as one of the Ends of that Society, (for to Bodies only can coercive Power be rationally applied,) all States employed in the same Care, might be fairly understood as only doing Journey-work for the Church. Thus that refined Court chalked out no idle Plan of Power, when, together with the brute Thunder of the *Vatican*, it forged real Fetters for the prostrate WEST.

II. THE other System is that invented by, and (I wish I could say) peculiar to THE ENEMIES OF OUR HOLY FAITH; at the head of which stand the two famous Authors of THE RIGHTS OF THE CHRISTIAN CHURCH, and of THE INDEPENDENT WHIG. The true Design of these Books is evidently this, to persuade us that the *Christian* and all other Churches, in their natural State, without coercive Power, are Creatures of the Civil Magistrate. For while the *pretended* Drift be to shew from whence an Established Church receives its coercive Powers, the Arguments they employ conclude against a Church's natural Independency in any State whatsoever. But it is pleasant enough to observe the contrary Routs this noble Pair

G

of

of Athletes have taken to arrive at the same Place :

THE Author of THE RIGHTS comes first.

At, quum aspicias tristem, frugi censeas.

He has taken up the Argument of *Hobbes*; and affects the tenderest Concern for the Good and Happiness of the State. So that whenever a Church comes in his Way, he falls upon it with the old Battery of *Imperium in Imperio*. But, in this, less honest than that unlucky Philosopher. *Hobbes* owned the Tendency of his Argument; and enforced it for the Sake of that very Tendency. But this Writer seems willing you should believe that it concludes only against a *Jacobite* Clergy.

THE Writer of THE INDEPENDENT WHIG, who, it must be owned, has more Vivacity than his formal Brother, is for quicker Dispatch. His ready Road led him on to the Destruction of all Church Officers, and the very Being of a Ministry: which, that he might the easier bring about, he has represented all public Rites, and Assemblies for Worship, as impertinent, by shewing the
natu-

natural *Inefficacy of Prayer* for obtaining our Petitions; which again, (for to do him Justice he is very consequential,) he establishes on *the Doctrine of Fate*. This he well saw would bring on a thorough Dependency: A Dependency that was like to last; as being produced by the Dissolution of the Society itself. And yet, after all this, he hath the honest Confidence to talk of the Church as of a *Society*. But a Society without Officers, Degrees of Subordination, and Powers adapted to its Nature, being as inconsistent unintelligible an Idea as a House without Walls, Roof, or Apartments; we must conclude that he who so talks, intends to give us a Society in Words, but to deprive us of it in fact.

IN earnest, I do not know a greater Insult ever put on the Understandings of Men than by these two Writers; while it was presumed that the Gloom of Equivocation, which spreads itself thro' the formal *Chapters* of the one; and the Glare of puerile Declamation, that tinsels over the trite *Essays* of the other, could hide their true End from the Observation of *those* whose Destruction they were conspiring. For, as *Tully* says of

the two assassins Gladiators, *Par est improbitas, eadem impudentia, gemina audacia; & ubi, Quirites, multa audacter, multa improbe, multa perfidiosè facta videtis, ibi SCELUS quoque latere inter illa tot flagitia putatote*^h.

LET the Reader then but attentively consider what we have now said of the different Natures of Civil and Religious Society, and he will need nothing more than the plain Principles, deduced from thence, to unravel all the silly Sophistry that makes up the Bulk of these two famous Performances; tho' the first of them, the Parent of the other, hath imposed upon a great Writerⁱ; and, as it is said, was planned by the Assistance of a still greater^k.

ON the whole, how different soever these *Jacobite* and *Freethinking* System-Makers would have their Notions thought from *Po-pery* and *Atbeism*, they are unavoidably drawn, by the Alacrity of their own Heaviness, into the very Centers of *Malmsbury* and *Rome*; from whence indeed they derived their Birth; but are, I know not how, ungraciously ashamed of their Pedigree.

^h Orat. pro Sex. Ros. Amer.

ⁱ *Le Clerke.*

^k *Mr. Locke.*

B O O K II.

O F A N

E S T A B L I S H E D C H U R C H.

C H A P. I.

*Of the Nature of that Union between Church
and State which produces a Religion esta-
blished by Law.*

HAVING now dispatched the first
Part of this Enquiry, and shewn,

I. THE Origin of Civil Society ; the na-
tural Deficiency of its Plan ; and how the
Influence of Religion only can supply that
Defect :

II. How all natural and moral Good,
and consequently *this* of Religion to the
State, may be improved by human Art and
Contrivance ; together with the Necessity
there is of *seeking* this Improvement : And

III. As this depends on an exact Knowledge of a Civil and of a Religious Society, How to judge of their *distinct* Natures and Ends :

WE are at length enabled to shew how this Improvement is to be brought^e about.

FOR having, by a diligent Enquiry, found,

I. FIRST, *That the Care of Civil Society extends only to the Body and its Concerns; and the Care of Religious Society only to the Soul;* it necessarily follows, that the Civil Magistrate, if he will improve this natural Influence of Religion by human Art and Contrivance, must seek some UNION or ALLIANCE with the Church. For his Office not extending to the Care of Souls, he hath not, in himself, Power to inforce the Influence of Religion : And the Church's Province not extending to the Body ; and consequently being without coercive Power, she has not, in herself alone, a Power of applying that Influence to Civil Purposes. The Conclusion is, that their joint Powers must co-operate, thus to apply and inforce the
Influence

C. I. *Of an ESTABLISHED CHURCH.* 87

Influence of Religion. But they can never act conjointly but in *Union* and *Alliance*^a.

II. SECONDLY, Having found that *each Society is Sovereign, and independent on the other*, it as necessarily follows, that such Union can be produced *only* by FREE CONVENTION AND MUTUAL COMPACT: Because whatever is *sovereign* and *independent*, can be brought to no Act without its own Consent: But nothing can give Birth to a *free Convention*, but a Sense of mutual Wants that may be supplied, or a View of mutual Benefits that may be gained, by it. *Such*, then, is the Nature of that UNION which produceth a CHURCH BY LAW ESTABLISHED;

^a Ambas potestates, ecclesiasticam & civilem, ita esse divino numine constitutas, ut in suo genere & ordine unaquæque sub uno Deo proxime collocata prima ac suprema sit: collatæ vero invicem, sociæ foederatæque sunt—ergo ambæ potestates supremæ ac principes in suo ordine, conjunctæque & amicæ, non una alteri per sese subdita, subordinatæque est—fatis enim claruit duas quidem potestates esse oportere, ecclesiasticam & civilem, quæ principales ac supremæ, & tamen sociæ, conjunctæ & amicæ, ne societas humana distrahatur. Mutuam sibi operam debent, præstantque, & sese mutuo non tantum adjuvant, verum etiam temperant. *Bossuet. L. v. c. 31, 32, & 33. F. T.*

and which is indeed no other than a *politic League and Alliance for mutual Support and Defence*. For the State not having *the Care of Souls*, cannot, itself, inforce the Influence of Religion; and therefore seeks the concurring *Aid of the Church*: And the Church having *no coercive Power*, the Consequence of its Care's not extending to Bodies, as naturally flies for *Protection to the State*^b. This being of that Kind of *Alliance* which *Grotius* calls, FOEDUS INÆQUALE. “ In-
 “ quale fœdus, (*says he,*) hic intelligo quod
 “ ex ipsa vi pactionis *manentem prælationem*
 “ quandam alteri donat: Hoc est ubi quis
 “ tenetur alterius imperium ac majesta-
 “ tem conservare UT POTENTIORI PLUS
 “ HONORIS, INFERIORI PLUS AUXILII
 “ DEFERATUR^c.”

^b Hæc extant præclara Arnulfi Lexovensis Episcopi verba, “ Dignitas ecclesiastica regiam provehit potius
 “ quam adimit dignitatem, et regalis Dignitas ecclesia-
 “ sticam conservare potius consuevit quam tollere liber-
 “ tatem. Equidem quasi quibusdam sibi invicem com-
 “ plexibus Dignitas ecclesiastica & regalis concurrunt;
 “ cum nec reges salutem sine Ecclesia, nec Ecclesia
 “ pacem sine protectione regia consequatur.” *Marca*
L. ii. c. 12. F, T.

^c *De Jure Belli & Pacis, Lib. i. cap. iii. § 21.*

FROM

C. I. *Of an ESTABLISHED CHURCH.* 89

FROM whence it appears, that, were those common Notions true, which we have been at so much Pains to confute, concerning the Nature of a *Church* and *State*, there could be neither *room* nor *motive* for this *Alliance*. Were they not *independent on each other*, there would be no *room*; because *Freedom of Will*, the very Essence of this Alliance, would be wanting on one Part: And had the *State the Care of Souls, or the Church the Care of Bodies*, there could be no mutual *motive*; for, in the first Case, the State might apply Religion, by its own Authority, to Civil Purposes: in the latter, the Church, having, in Consequence of the Care of Bodies, an inherent coercive Power, might *alone* provide for its own Security.

AN ALLIANCE then, by *free Convention*, being in its Nature *such* that each Party must have its Motives for contracting; our next Enquiry will be,

I. WHAT those Motives were, which the State had for *seeking*, and the Church for *accepting* the Offers of an *Union*. And,

II. THE mutual Benefits and Advantages thereby arising.

By

By the *first* Part of which Enquiry, we hope to make it appear, THAT THIS ALLIANCE WAS INDISPENSABLY NECESSARY FOR SECURING THE WELL BEING AND HAPPINESS OF CIVIL SOCIETY: And by the *second*, THAT NO COMMON RIGHT OF MAN, CIVIL OR RELIGIOUS, IS IMPEACHED BY IT. To demonstrate *which* is one of the principal Ends of this Discourse.

C H A P. II.

Of the Motives the State had to seek, and the Church to accept an Alliance.

THE Motives the Magistrate had to seek this Alliance were these ;

I. To preserve the Essence and Purity of Religion.

II. To improve its Usefulness, and apply its Influence in the best Manner.

III. To prevent the Mischief that, in its natural independent State, it might occasion to Civil Society.

I. THE

I.

I. THE Magistrate was induced to seek it,

1. *As the necessary Means of preserving the BEING of Religion.* For though, as we have shewn, Religion constitutes a Society ; and that this Society will indeed, for some Time, support the Existence of Religion, which, without it, would soon vanish from amongst Men : Yet, if we consider that this Society is made up of the same Individuals which compose the Civil ; and destitute likewise of all coercive Power ; we must needs see, that a Society, thus abandoned to its own Fortune, without Support or Protection, would, in no long Time, be swallowed up and lost. Nor can we reasonably hope that this Danger might be averted, by that inherent Power, we have shewn, to be in the State of restraining the Oppugners of the *three fundamental Principles of Natural Religion* ; because that Power could only prevent these Principles from being *directly* depraved or subverted ; not from gradually decaying and falling into oblivion. Of this Opinion was an able Writer, whose Knowledge of human Nature will not be disputed :

92 *Of an ESTABLISHED CHURCH. B. II,*
disputed : “ Were it not, says he, for that
“ Sense of Virtue which is principally pre-
“ served, so far as it is preserved, by NA-
“ TIONAL FORMS AND HABITS of Reli-
“ gion, Men would *soon lose it all*, run wild,
“ prey upon one another, and do what else
“ the worst of Savages do ^a. ”

2. BUT of whatever Use an Alliance may be thought for preserving the *Being* of Religion ; the Necessity of it for *preserving its PURITY* is most evident. For if Truth and public Utility coincide, the nearer any Religion approaches to the Truth of Things, the fitter that Religion is for serving the State. That they do coincide, that is, that Truth is productive of Utility, and Utility indicative of Truth, may be thus proved. That Truth is *productive* of Utility, appears from the Nature of the Thing. Observing Truth, is acting as Things really are : He who acts as Things really are, must gain his End ; all Disappointment proceeding from acting as Things are not ; just as in reasoning from true or false Principles, the Conclusion that follows must be necessarily right or wrong. But gaining the End of acting

^a *Wollaston's Religion of Nature Delineated*, p. 124.
is

C. 2. *Of an ESTABLISHED CHURCH.* 93

is Utility or Happiness ; Disappointment of the End, Hurt or Misery. If then Truth *produce* Utility, the other Part of the Proposition, that Utility *indicates* Truth, follows necessarily. For not to follow, supposes two different kinds of general Utility relative to the same Creature, one proceeding from Truth, the other from Falshood ; which is impossible ; because the Natures of those Utilities must then be different, that is, one of them must, at the same time, be, and not be, Utility. Wherever then we find universal Utility, we may certainly know it for the Product of Truth which it indicates. Let us then consider the Danger Religion runs, of deviating from Truth, when left, in its natural State, to itself. In those Circumstances, the Men of highest Credit are such as are famed for greatest Sanctity. This Sanctity hath been generally understood to be then most perfect when most estranged from the World, and all its Habitudes and Relations. But this being only to be acquired by Secession and Retirement from human Affairs ; and that Secession rendering Man ignorant of Civil Society, and of its Rights and Interests ; in Place of which will succeed, according to his
natural

natural Temper, the destructive Follies either of Superstition or Fanaticism ; we must needs conclude that Religion, under such Directors and Reformers, and God knows these are generally its Lot, will deviate from Truth ; and consequently from a Capacity, in proportion, of serving Civil Society. I wish I could not say, we have too much Fact to support this Speculation. The Truth is, we have seen, and yet do see, Religious Societies, Some grown up, and continuing unsupported by, and *united* with the State ; Others that, when supported and *united*, have by strange Arts brought the State into Subjection, and become its Tyrants and Usurpers ; and thereby defeated all the Good that can arise from this Alliance ; such Societies, I say, we have seen, whose Religious Doctrines are so little serviceable to Civil Government, that they can prosper only on the Ruin and Destruction of it. Such are those which teach the Sanctity of *Celibacy* and *Asceticism* ; the *Sinfulness* of *Defensive War*, of *Capital Punishments*, and even of *Civil Magistracy* itself.

ON the other Hand, when Religion is in *Alliance* with the State, as it then comes
under

C. 2. *Of an ESTABLISHED CHURCH.* 95

under the Magistrate's Direction, those holy Leaders having now neither Credit nor Power to do Mischief, its Purity must needs be reasonably well supported and preserved ^b. For, Truth and public Utility coinciding, the Civil Magistrate, as such, will see it for his Interest to seek after, and promote Truth in Religion : And, by Means of public Utility, which his Office enables him so well to understand, he will never be at a Loss to know where such Truth is to be found. So that it is impossible, under this Civil Influence, for Religion ever to deviate far from Truth ; always supposing, for on such Supposition this whole Theory proceeds, a LEGITIMATE Government, or Civil Policy established on the Principles of the Natural Rights and Liberties of Mankind. For an unequal and unjust Government, which seeks its own not public Utility, will always have Occasion for Error ; and so, must corrupt Religion both in Principle and Practice, to serve its own wrong Interests ^c.

^b Imminuta esset libertas Ecclesiæ, si a principum secularium imperio libera, ab episcopis iniqua servitute premeretur. *Marca, L. iii. c. 1. F. T.*

^c We have a remarkable Instance of this in the State of *Venice*, which is a thorough Tyranny, if ever there was any.

II. SECONDLY, The Magistrate was induced to seek this Alliance *as the necessary Means*

any. Mr. Bayle tells us [*Crit. Dict. Ar. (Abelard) Rem. (P)*] that one Day asking a Friend, who had told him a thousand Stories of the Disorders of the *Venetian Ecclesiastics*, how it happened that the State would suffer Things so dishonourable to Religion and Society? his Informer replied, that the Good of the Public obliged the Sovereign to this Indulgence; that the Senate was not displeased to find the Priests and Monks fall under the public Contempt for their Debaucheries, for that in that Condition they would have no Credit to raise or foment Sedition amongst the People; and that one of the Reasons why the Jesuits were not acceptable to the Sovereign was, because they knew how to preserve the Decorum of their Character, and so, gaining Respect and Reverence by a more decent Exterieur, had it in their Power to excite the Populace to Sedition.

Out of Gratitude to the only Effort which the Enemies of these Principles have ventured to make to this Discourse, and out of Charity to a poor Cavil which the Author of it did not care to father, I shall here just mention and confute the following Objections. *The State's Motive of preserving the Being and Purity of Religion, contradicts the great Principle on which this Theory of the Alliance goes, namely, that the End the State had in establishing a Church was not to provide for the true Religion, but for Civil Utility.* See a Paper called the *Old Wig*, May 27, 1736. But is it not one Consequence of this Principle, that whatever tends to advance public Utility, will be a Motive to the State in seeking the

C. 2. Of an ESTABLISHED CHURCH. 97

Means to improve the Usefulness ; and to apply, in the best Manner, the Influence of Religion for it's Service. And this an Alliance does by several Ways.

1. *By bestowing additional Reverence and Veneration on the Person of the Civil MAGISTRATE, and on the LAWS of the State.* For in this Alliance, where the Religious Society is taken under the Protection of the State, the supreme Magistrate, as will be shewn hereafter, is acknowledged *Head of the Religion.* Now nothing can be imagined of greater Efficacy for securing the Obedience of the People. Those two consummate Masters in Politics, *Aristotle and Machi-*

the Alliance ? Now I have shewn Religion to be absolutely necessary to the State. Would not one Motive then in the State's seeking the Alliance needs be for the better preserving its Being and Essence ? Again, when I speak of the State, do not I say I mean a legitimate Policy that ever pursues common Utility ? But common Utility and Truth, as all Men may see, do necessarily coincide. Would not then another Motive in the State's seeking the Alliance be for the better preserving the Purity of Religion ? But for what End is its Being and Purity promoted by the State ? For its own End, or the Church's ? If for its own, is not that Civil Utility ?

H

avel,

avel^d, thought it of so great, as to be sufficient to gain Reverence and Security to a Tyrant. What then must we suppose its Efficacy on a legitimate Magistrate? The same Veneration will extend itself over the *Laws* likewise. For while some of them are employed by the State for the *Support of the Church*; and others *lent* to the Church to be employed in the *State's Service*; and all of them enacted by a *Legislature in which Church-Men have a considerable Share*; all these things, as we shall see presently, being amongst the Conditions of *Alliance*; Laws under such Direction must needs be obeyed with the greatest Reverence.

^d Ἐτι ἡ τὰ πρὸς τὰς θεὰς φαίνεσθαι αἰὲν ἀναγκαῖον ἀναφροσύνης, ἥτιόν τε καὶ φοβῆναι τὸ παθεῖν τι ἀδύνατον ὑπὸ τῶν πειστών, ἐὰν δεισιδαίμονα νομίζουσιν εἶναι τὰ ἀρχοντα καὶ φρονίζεν τῶν θεῶν. Καὶ ὑπεβλάδυσεν ἥτιον, ὡς συμμαχὰς ἔχοντι καὶ τὰς θεὰς. *Polit. Lib. v. c. 12.*

—Et non à cosa più necessaria à parere d'havere, che questa ultima qualita [religione] perche gli huomini in universale giudicano più à gli occhi che alle mani, perché tocca à vedere à ciascuno à sentire à pochi. *Del Principe, cap. xviii.*

^e Cives in officio suo erga se & erga principem religionis cultu, veluti vinculo quodam, adstringuntur, ut de Romanis observavit Augustinus. *Marca, L. ii. c. 10. F. T.*

C. 2. Of an ESTABLISHED CHURCH. 99

2. *By lending to the Church a coercive Power.* It may be remembered that, in speaking of the innate Defects in the Plan of Civil Society, we observed, that there were several Sorts of Duties which Civil Laws could not enforce : Such as the Duties of IMPERFECT OBLIGATION ; which, a Religious Society, when endowed with *coercive Power* to invigorate the Influence of Religion, is capable of exacting ; and SUCH likewise of the Duties of PERFECT OBLIGATION, whose Breach is owing to the Intemperance of the sensual Appetites. The severe Prohibition of which threatens greater and more enormous Evils. For while these unruly Passions overflow, the stopping them in one Place is causing them to break out with greater Violence in another. As the rigorous Punishment of Fornication has been generally seen to give Birth to unnatural Lusts. The effectual Correction therefore of such Evils must be begun by moderating and subduing the Passions themselves. But *This*, Civil Laws are not understood to prescribe ; as *punishing* those Passions, only when they proceed to act : and not *rewarding* the Attempts to subdue them. It must be a Tribunal regarding ir-

regular Intentions as criminal, which can do this: And *that* is no other than the Tribunal of Religion. When this is done, a coactive Power of the Civil Kind may have a good Effect; but not 'till then. And who so fit to apply this coactive Power in such Cases, as that Society which fitted and prepared the Subject for its due Reception and Application^f? Again, We have observed, that the State punisheth Deviations from the Rule of Right, as *Crimes* only; and not as *such* Deviations; or as *Sins*; and on that first Idea proportions its Punishments: By which Means some very enormous Deviations from the Rule of Right, which do not *immediately* affect Society, and so are not considered as *Crimes*, are overlooked by the Civil Tribunal. Yet these being, *mediately*, highly pernicious to the

^f A Jurisdiction somewhat resembling this we find in the famous Court of *Areopagus* at *Athens*: Which City was once the Model of *Civil Prudence* as well as of *Religion*, to the improved Part of Mankind. *Isocrates*, speaking of this Branch of Jurisdiction in the *Areopagus*, says, *It was not occupied to punish Crimes, but to prevent them*—εἰς τὸ πρῶτον ἐσκόπεον, δι' ὧν κολάσσει τὰς ἀκοσμίαν, ἀλλ' ἐξ ὧν ἀν κατὰσκολεύσει μηδὲν αὐτὰς ἄξιον ζημίας βελλήσεσθαι ἀμαρτάνειν. ἡ γὰρ οὐ γὰρ τὸ μὴ αὐτῶν εἶναι. ΑΡΕΙΟΠ. ΛΟΓ.

State,

C. 2. *Of an ESTABLISHED CHURCH.* 101

State, it is for its Interests that they should be brought before some capable Tribunal. But besides the Civil there is no other than the Ecclesiastical endowed with coactive Power. Hence may be deduced *the true and only End and Use of SPIRITUAL COURTS.* A Church Tribunal, then, with coactive Power, being necessary in all these Cases ; and a Religious Society having, in itself, no such Power, it must be borrowed from the State : But a State, as we shall see, cannot lend it, without Danger to itself, *but* on the Terms of an Alliance : A State therefore will be induced to seek this Alliance, in order to improve the natural Efficacy of Religion.

3. *By conferring on the State the Application of the Efficacy of Religion ; and by putting it under the Magistrate's Direction.* There are peculiar Junctures when the Influence of Religion is more than ordinary serviceable to the State ; and these the Civil Magistrate only knows. Now while a Church is in its natural State of Independency, it is not in his Power to improve those Conjunctions to the Advantage of the State, by a timely Application of Religion : But

when the *Alliance* is made, and consequently the Church under his Direction, he hath then Authority to prescribe such public Exercises of Religion, and in such manner as he finds the Exigencies of State require ^s.

4. *By engaging the Church to apply its utmost Endeavours in the Service of the State.* For an *Alliance* laying an Obligation on the State to protect and defend the Church, and to provide a settled Maintenance for its Ministers, such Benefits must needs produce the highest Love and Esteem for the Benefactor; which will be returned, out of Motives both of Gratitude and Interest, in the most zealous Labours for the Service of Civil Government ^h.

^s See the scandalous Squabbles between the Civil Magistrate and the Church, concerning the Exercise of this Power, in the Histories of the *Presbyterian Church of Scotland*.

^h *Vetus Ecclesia nullis aliis redditibus ad suppeditandas expensas alendis episcopis & clericis, five etiam pro juvanda inopum paupertate necessarias, fruebatur, præter oblationes fidelium—Carolus Magnus, præter causas pietatis, motus etiam fuit ad distribuenda liberali manu bona Ecclesiis ob utilitatem Reipublicæ, existimans nimirum Episcopos sanctius observaturos fidem promissam.* *Marca, L. viii. c. 19. F. T.*

III. LASTLY, *The Magistrate was induced to seek this Alliance as the only Means of preventing the Mischiefs that the Church, in its natural independent Condition, might occasion to Civil Society.* 1. For, in this state, the Church having, of itself, a Power of assembling for Religious Worship, *factious Men* may conveniently, under that Cover, hatch and carry on Designs against the Peace of Civil Society; and the Influence which popular and leading Men gain over the Consciences of such Assemblies, by the Frequency of public Harangues, may easily ripen these Contrivances into Act; when strengthened with the specious Pretext of Religion. That unhappy Prince, *Charles I.*, when he was now bettered by Misfortunes, and become wise enough to understand, that the Interest of his Country and his own were the same, delivers himself in these Words, “ Touching the Government of
 “ the Church by Bishops, the common Jealousie hath been, that I am earnest and
 “ resolute to maintaine it, not so much out
 “ of Piety, as Policy, and Reason of State.
 “ Wherein so far indeed Reason of State
 “ doth induce me to approve that Govern-
 “ ment above any other, as I find it impos-

“ fible for a Prince to preserve the State in
 “ quiet, unless he hath such an Influence
 “ upon Churchmen ; and they such a De-
 “ pendence on him, as may best restraine
 “ the seditious Exorbitancies of Ministers
 “ Tongues ; who with the Keys of Hea-
 “ ven, have so far the Keys of the Peoples
 “ Hearts, as they prevail much by their
 “ Oratory to let in, or shut out, both Peace
 “ and Loyalty ¹.” All which Evils are
 speedily remedied by this *Alliance*. For
 then the Civil Magistrate being become Pro-
 tector of the Church, and, consequently,
 supreme Head and Director of it, the Mini-
 stry is mostly in his Power ; that mutual
 Dependency between the Clergy and People,
 so pernicious to the State, being, by means
 of a settled Revenue, quite broken and de-
 stroyed. He admits and excludes to the *Ex-
 ercise* of their Function as he sees fit ; and
 grants it to none but such as give a previous
 Security for their Allegiance to him. By
 which Means, all that Power and Influence,
 which the Ministers and Leaders in a Church
 had over it before the Alliance, *as the Pro-
 tectors of Religion*, is now drawn off from

¹ ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ, chap. xvii.

them,

them, and placed solely in the Civil Magistrate^k.

THE View of these Mischiefs, from a Church in its natural state of Independency, so terrified *Hobbes* and his Followers, that they denied there ever was such a State; for that the Magistrate had a *natural* Right of Dominion and Supremacy over the Church, as his Servant and Creature: Which was arguing just as reasonably as that Community would act, who, alarmed at the growing Power of a Neighbour, from which a likely Mischief might be suspected, should endeavour, on a Principle of Right, to subdue that People which gave them umbrage. Whereas Reason and Justice both point out a different Remedy, which is to obviate the Mischief by *League* and *Alliance*. The same should be done in the Affair before us; and were not Men unreason-

^k Ex hoc tuitionis & patrocinii jure quod Reges exercent, illud commodi in Ecclesiam totamque rempublicam Christianam redundat, ut ecclesiastica & civilis potestas amico & perpetuo foedere invicem conjunctæ mutuis auxiliis ad comprimendos improborum conatus & juvanda bonorum studia inter de conspirent. *Marca, L. ii, c. 12. F. T.*

ably prejudiced against a *Church*, they would see the Cases to be exactly alike. Indeed when there is, during the Independency of two different Societies composed of one and the same People, a natural and direct Tendency, in the LEGITIMATE Exercise of *one* Dominion, to the Damage of the *other*, then the *Law of Nations* prescribes the less to be dependent on the greater. But as Religious Society hath been shewn to have nothing in the *legitimate* Exercise of its Sovereignty that can clash with Civil Power, though it be, indeed, so liable to be *abused*¹ as to make it of infinite Interest to the State to prevent the Abuse, we conclude, that its Dependency on the State, the only Means of preventing the Evil, can be brought about no otherwise than by an *Alli-*

¹ In this consists the grand SOPHISM that runs thro' Tindal's whole Book of the *Rights of the Christian Church*. He brings all along the *confessed Abuse* of Ecclesiastical Government as an Argument that the Church is an *Imperium in Imperio*; whereas that Evil consists in the *legitimate* Exercise of two contradictory sovereign Powers in one and the same Republic; nothing of which there is, as we have shewn, in a Church and State; tho' both sovereign and independent before *Alliance*.

ance between the two Societies, on the Footing of a *free Convention*.

BUT secondly, as such a *Claim* would be unjust in itself, so would the *Prosecution* of it be mischievous to Civil Liberty. To exchange that temperate, conditional Subordination of the Clergy, here laid down, for the slavish Dependency which *Hobbes* and his Followers prescribe, would prove a very ill Bargain for the State. An entire Independency of the Clergy would in time, indeed, overturn a free Government; but so, as certainly, would a slavish Dependence. The noble Writer of *The Account of Denmark*, saw clearly the destructive Consequences of *both these Conditions*, where, in the Conclusion of his Book, he delivers himself in these Words: “ It hath been a
 “ great Mistake amongst us that the *Popish*
 “ Religion is the only one of all the *Christian*
 “ Sects proper to introduce and establish Slavery in a Nation; insomuch that
 “ Popery and Slavery have been thought
 “ inseparable.—I shall make bold to say,
 “ that other Religions have succeeded as
 “ effectually in this Design as ever *Popery*
 “ did.—For in *Denmark*, as well as other
 “ Protestant

“ Protestant Countries in the North, thro’
 “ *the entire Dependence of the Clergy upon the*
 “ *Prince*, thro’ their Principles and Do-
 “ctrine, which are those of unlimited Obe-
 “dience, thro’ the Authority they have with
 “the common People, &c. Slavery seems
 “to be more absolutely established than it
 “is in *France*.” If then, in the Opinion
 of this great Politician, an *absolute Independ-*
ence and an *absolute Dependence* are equally
 pernicious to Society, what remains, but
 to confess that the Clergy’s Condition in *Al-*
liance, which takes off their Independency,
 and makes them the *free Subjects*, but not
 the *Tools* of Civil Power, is that very Cir-
 cumstance in which only they can be useful
 to Society, in the manner they were desti-
 ned by God and Nature. What Obligati-
 ons, therefore, lye on every Lover of his
 Country to protect from *Innovations* our pre-
 sent happy Constitution, which hath actu-
 ally placed the Clergy in this very Condi-
 tion; from which the Churches of the
North and *South* have so fatally deviated
 tho’ in the contrary Extremes !

2. ANOTHER Mischief there is in this *un-*
allied Condition of the Church, still more
 certain

certain and fatal, whenever more than one Religion is found in a State. For, in these latter Ages, every Sect, thinking itself alone the *true Church*, or, at least, the most *perfect*, is naturally pushed on to advance its own Scheme upon the Ruins of the rest; and where Argument fails, *Civil Power* is made to come in; as soon as ever a Party can be formed in the *public Administration*: And we find they have been but too successful in persuading the Magistrate that his Interests are much concerned in these Religious Differences. Now the most effectual Remedy to those dangerous and strong Convulsions, into which States are so frequently thrown by these Struggles, is an *Alliance*; which *establishes one Church*, and gives a full *Toleration to the rest*; only keeping Sectaries out of the *public Administration*; from a heedless Admission into which these Disorders have arisen.

HAVING now shewn the principal Motives that engaged the State to *seek an Alliance* with the Church:

II.

WE come next to consider the Motives which the Church had to *accept* it. For,
this

this being, as we observed, a FREE CONVENTION, unless the Church, as well as State, had its Views of Advantage, no *Alliance* could have been formed. To discover these Motives, we must recollect what hath been said of the Nature and End of a *Religious Society*; for the Benefits adapted to that Nature and End, must be her legitimate Motive: But if so, this Benefit can be no other than SECURITY FROM ALL EXTERIOR VIOLENCE. The State indeed could not justly offer it, had an Alliance never been made. But this is no reason why the Church should not think it for its Interest to secure its natural Right by *Compact*, any more than that one State should not bind another, in the same manner, not to do it Violence, tho' *that other* was under prior Obligations, by the Law of Nature and Nations, to forbear.

BUT, by this Alliance between the two Societies, the State doth more; it not only promiseth not to injure the Church confederated, but to serve it; that is, to protect it from the Injuries of other Religious Societies, which then exist, or may afterwards arise in the State. How one Religious Society may be injuriously affected by another,
we

C. 2. *Of an ESTABLISHED CHURCH.* 111

we have shewn just before : How great these Injuries may prove, will be shewn hereafter. It must needs then be the first Care of a Church, and a reasonable Care, to preserve itself, by all lawful ways, from outward Violence. A State then, as we have said, in order to induce the Church's acceptance of this Offer, must propose some Benefit to her, by it ; and because this is the only *legitimate* Benefit the Church can receive, it must propose *this* ; which, therefore, being considerable, will be the Church's *Motive for Alliance*.

THERE are but two other Considerations that can be esteemed *Motives* : The one, *To engage the State to propagate the Established Religion by Force* : And the other, *To bestow Honours, Riches, and Powers upon it*. Now, on recurring to the Nature and End of the two Societies, the *first* Motive will be found *unjust* ; and the *second*, *impertinent*. It is *unjust* in the Church to require the Engagement ; because the performing it would be violating the natural Right every Man hath of worshipping God according to his own Conscience : It is *unjust* in the State to engage in it ; because, as we have shewn, its Jurisdiction extendeth not to Opinions :

ons : It is *impertinent* in a Church to aim at Riches, Honours, Powers ; because these are Things which, as a Church, she can neither use, nor profit by. To imagine these fit Accommodations for a Church, is as idle a Fancy as theirs who were for building sumptuous Tabernacles for the three Great Messengers of God, at the Transfiguration. It is very true, that these Things, which, for the sake of the State, followed an Alliance, might be in the private Views of ambitious Churchmen, when that Alliance was projected ; and might not a little help forward the Completion of it. But what Motives the *Clergy* of a Church might have, is nothing to the Purpose of our Enquiry ; we are only to consider what the *Church* had, which, as a Religious Society, consists of the whole Body of the Community, both Laity and Clergy^m; and her Motive, we say, could not be Riches, Honours, and Power, because they have no natural Tendency to

^m — Longe a proposito aberrant, qui Ecclesiam Gallicanam clero coercent. Latior est illius significatio quæ Laicos ipsumque Regem comprehendit. — Ecclesiæ corpus quod ex fidelium omnium compage constituitur, in duas præcipuas personas, sacerdotalem scilicet & regiam, divisum est. *Marca, L. ii. c. 1. F. T.*

C. 2. *Of an ESTABLISHED CHURCH.* 113

promote the *ultimate* End of this Society, *Salvation of Souls* ; or the *immediate* End, *Purity of Worship*. We conclude therefore, that the only legitimate Motive she could have, was *Security and Protection from outward Violence*. This the Reader would do well to keep in Mind, because much will be found to depend on it in the Sequel of this Discourse.

ON these *mutual* Motives then, was formed this FREE ALLIANCE ; which gave Birth to a CHURCH BY LAW ESTABLISHED : And these being so strongly operative, we are not to wonder that the Civil Communities of all Ages had an ESTABLISHED RELIGION ; which was under the more immediate Protection of the Civil Magistrate ; and so distinguished from those that were only TOLERATED. How closely these two Interests were united in the *Egyptian* Policy, which afterwards became the Model of Civil Wisdom to the rest of Mankind, is notorious to all the least acquainted with Antiquity. Nor were the polite Republics of *Rome* and *Atkens* less sollicitous for the common Interests of the two Societies than that sage and powerful Monarchy, the Nurse of

Arts and Virtue. But an *Established Worship*, as we say, is the universal Voice of Nature, and not confined to certain Ages, People, or Religions. That great Voyager, and sensible Observer of the various Manners of Men, *John Baptist Tavernier*, speaking of the Kingdom of *Tunquin*, says, “ I
 “ come now to the Political Description of
 “ this Kingdom, under which I compre-
 “ hend the Religion, which is almost *every*
 “ *where in Concert with the Civil Govern-*
 “ *ment for the mutual Support of each o-*
 “ *ther*.” Now, if the foregoing Account explains the true Origin of this universal Practice, *the Practice*, we presume, will corroborate the Force of the *Motives* here delivered; the wisest and most experienced Lawgivers, as we see, concurring to act upon them.

BUT when I say that *all* regular policied States had an *Established Religion*, I mean no more than He would do, who, deducing Civil Society from its true Original, should,

“ Je viens à la Description politique de ce Royaume, dans laquelle je comprends la Religion, qui est *presque en tous lieux de concert avec le Gouvernement Civil pour l'appuy reciproque de l'un & de l'autre.* Relation Nouvelle de la Royaume de *Tunquin*, cap. x. à la fin.

in

C. 2. *Of an ESTABLISHED CHURCH.* 115

in order to persuade Men of the Benefits it produces, affirm, that all Nations had a Civil Policy. For as this Writer could not be supposed to mean that every one constituted a free State, on the Principles of public Liberty, which yet was the only Society he purposed to prove was founded on Truth, and productive of public Good ; because it is notorious, that the far greater Part of Civil Policies are founded on different Principles ; or abused to different Ends ; so neither would I be understood to mean, when I say all Nations concurred in making this *Union*, that they all exactly discriminated the Natures, and fairly adjusted the Rights of both Societies, on the Principles here laid down ; tho' an *Establishment* resulting from this Discrimination and Adjustment be the only one I would be supposed to recommend. On the contrary, I know this Union has been generally made on mistaken Principles ; or, if not so, hath degenerated in length of Time ; by which means the National Religion in the Pagan World hath been most commonly a Slave to the State ; and in the Christian System, the State sometimes a Slave to the Established Church. And, as it was sufficient for that Writer's

Purpose, that those Societies, good or bad, proved the Sense all Men had of the Benefits resulting from Civil Policy in general, though they were oft mistaken in the Application ; so it is for ours, that this universal Concurrence in the two Societies to *unite*, shews the Sense Mankind had of the Usefulness of such an *Union*. And lastly, as that Writer's Principles are not the less true on account of the general Deviation from them in forming Civil Societies ; so may not the plain ones of *Alliance* here delivered ; tho' so few States have suffered themselves to be directed by them in Practice ; nor any Man before delivered them in Speculation ; especially if, as in that Case, so in *this*, we can derive such *Mistake* and *Degeneracy* from their Causes. It would draw me too far out of my Way to explain distinctly the Causes of the *Mistake* ; and the intelligent Reader, who carefully attends to the whole of this Discourse, will not be at a Loss to discover the most considerable of them ; some of which I have already hinted at ; and others, I may possibly, in the Sequel of this Discourse, take occasion to mention. As for the *Degeneracy*, we have observed, that the *Alliance* is of the Nature of the

FOEDERA

C. 2. *Of an ESTABLISHED CHURCH.* 117

FOEDERA INÆQUALIA: Now, the common Issue of such, *Grotius* acquaints us with, in these Words: *Interim verum est accidere plerumque, ut qui superior est in fœdere, SI IS POTENTIA MULTUM ANTECELLAT, PAULATIM IMPERIUM PROPRIE DICTUM USURPET: PRÆSERTIM SI FOEDUS PERPETUUM SIT*^o.

C H A P. III.

Of the reciprocal Terms and Cenditions of this Alliance.

AS, from the Nature of the two Societies, we discovered what kind of Union only they could enter into; so from *thence*, together with the *Motives* they had in Uniting, may be deduced, by necessary Consequence, the reciprocal TERMS and Conditions of that Union.

FROM the mutual Motives inducing thereunto, it appears, that the great *Preliminary and Fundamental Article* of Alliance is this, THAT THE CHURCH SHALL APPLY ITS UTMOST INFLUENCE IN THE SERVICE OF

^o *De Jure Belli & Pacis*; Lib. i. cap. iii. § 21.

118 *Of an ESTABLISHED CHURCH. B. II.*
THE STATE ; AND THAT THE STATE
SHALL SUPPORT AND PROTECT THE
CHURCH.

1. BUT, in order to the Performance of this Agreement, there must needs be a MUTUAL COMMUNICATION OF THEIR RESPECTIVE POWERS. For the Province of each Society being naturally distinct and different, each can have to do in the other's, but by mutual Concession ^a.

2. BUT again, these Societies being likewise as naturally independent one on the other, a mutual Concession cannot be safely made without one of them, at the same Time, giving up, to the other, its Independency. From whence arises what *Grotius*, we see, calls MANENS PRÆLATIO ;

^a Hæ ambæ potestates inter se ut duo apices comparantur. His sua in utraque substantia, terrena scilicet & cœlesti, assignantur officia. Eæ ut principes suoque in ordine supremæ sociali tantum fœdere junguntur, non altera alteri in suis quidem rebus subditur : & quo jure regi permittitur, ut super animarum salute, sed ex canonum auctoritate, decernat ; eodem jure permittitur Pontifici, ut delinquentes etiam pœnis temporalibus, sed forensi lege, non innata sibi potestate, coerceat. *Bossuet*, L. vi. c. 29. F. T.

which,

C. 3. *Of an ESTABLISHED CHURCH.* 119

which, in his *Fædus inæquale*, the more powerful Society hath over the less.

Now from these two Conclusions, which spring necessarily from *this Fundamental Article of Union*, we deduce all the Terms, Conditions, mutual Grants, and Concessions ^b which complete this *Alliance*.

FOR, from this Obligation on the Church *to apply its Influence to the Service of the State*, proceed a SETTLED MAINTENANCE FOR THE MINISTERS OF RELIGION, and an ECCLESIASTICAL JURISDICTION with coactive Power; which Things introduce again, on the other Side, the DEPENDENCY OF THE CLERGY ON THE STATE. And from the State's Obligation *to support and protect the Church*, proceeds the ECCLE-

^b Christianæ politiæ Antistites a summo jure recedebant, ut concordiæ litarent. Attamen cum remissio illa nisi certis limitibus concludatur, in abjectionis vitium desciscat, necessariæ sunt regulæ quædam, intra quas prudentia, quæ omnino in his negotiis adhiberi debet, se contineat. Porro regulæ illæ in eorum axiomatum cognitione constitutæ sunt, quæ communi utriusque reipublicæ suffragio sunt recepta; ex æquo & bono unitatis & concordiæ alendæ studio, ex utraque parte quamplurima remissa. *Marca, in præfatione secunda.* F. T.

SIASICAL SUPREMACY OF THE CIVIL MAGISTRATE ; which again introduceth, on the other Hand, the Right of CHURCHMEN TO PARTAKE OF THE LEGISLATURE.

THUS are all these Rights and Privileges closely interwoven and mutually connected, by a necessary Dependence on each other. We have here, in a succinct manner, deduced them in the Order in which they arise reciprocally from one another : But the Importance of the Subject requiring a more minute Examination into the Reason and Foundation of each Grant and Privilege, we shall go over them in a different Order ; and put together all that belongs to the Church under one Head ; and all that belongs to the State under another : The first Order being the properest for a *general* View ; the second for a *particular* ; but both necessary, to give a true Idea of that mutual Connexion and necessary Dependency.

LET us then examine,

I. WHAT the Church RECEIVES from the State.

II. WHAT the Church GIVES to it.

WHICH

C. 3. *Of an ESTABLISHED CHURCH.* 121

WHICH will present us with a *new View of the two Societies as they appear under an Establishment* ; and leave nothing wanting to enable us to judge perfectly of their Natures.

I.

I. WHAT the Church *receives* from the State by this Alliance is,

I. FIRST, A PUBLIC ENDOWMENT FOR ITS MINISTERS : A separate and certain Part of the national Property assigned for the Maintenance and Support of the Clergy : and portioned out into distinct Benefices, and collated to by the State^c. The Reasons of this Endowment are : 1. To render the Religious Society, whose Assistance the State so much wants, more firm and durable. 2. To invite and encourage the Clergy's best Service to the State, in rendering those committed to their Care, virtuous. But, 3. and principally, in order to de-

^c Quoniam collatio Beneficiorum censetur pertinere ad fructus, secundum quod in libris Decretalium continetur, eo jure prorsus opportune usi sunt Reges ut usum inveharent conferendi Præbendas, quarum provisio ad Episcopum pertinebat. *Marca, L. viii. c. 19.* F. T.

stroy that mutual Dependency, between the Clergy and People, which arises from the former's being maintained by the voluntary Contributions of the latter; the only Maintenance the Clergy could have before the two Societies were allied; and which Dependence, we have shewn, to be productive of great Mischiefs to the State. Add to all this, that as the Clergy is now under the Magistrate's Direction, and consequently become a public Order in the State, it is but fit and decent, that the State should provide them with a public Maintenance. Which most Nations have concurred in thinking to be best done by way of TYTHES.

FROM this Account of a public and fixed Provision for the Clergy, may be deduced these COROLLARIES.

1. *THAT tho' the Payment of Tythes to the Jewish Priesthood gives the Christian Clergy no Right to them till established by the Civil Magistrate, yet the Example of this Payment under the Mosaic Oeconomy may be fairly and properly urged by the Ministers of Jesus in favour of the same Appointment.*

C. 3. *Of an ESTABLISHED CHURCH.* 123

ment^d. There, God *himself* made the Union between Church and State ; as he had before planned the Form of Civil Government. From his very Choice of this People we may collect, that his Dispensation to them was as well relative to the rest of Mankind as to themselves. Now as amongst the various Ends which he had for erecting that Society, we must conclude, *one* was to teach Mankind, by his Example in the HOREB CONTRACT, to form Civil Policies on the Principles of natural Right and public Liberty ; so we may be equally assured, that one of his Ends *in uniting the two Societies*, was to give them the same general Lesson of *Union* and *Alliance* : If an Union, in general, then consequently all those fundamental Terms of Union which arise, not from the peculiar Nature of the *Jewish* Church and State, but from the common Nature of a Civil, and Religious Society united, must be intended likewise for our Imitation. But a fixed Maintenance in the *Mosaic* Oeconomy, for Church Officers by *Tythes*, being one of those Fundamental

^d Licet jus percipiendi Decimas spirituale sit, Decimæ tamen sunt temporales, ut aiunt canonici juris interpretes. *Marca, L. viii. c. 19. F. T.*

Terms which depends not on the Frame of that peculiar Policy, but, of a Church and State in general, this must be designed for our Example ; and if proper for our Imitation, consequently just and equitable. We conclude therefore, that, tho' this Example confers no *divine Right of Tythes*, yet it strongly confirms every *civil constitutional* Appointment of them.

2. A SECOND Corollary is, *That it is absurd in any Member of the Established Church to suspect, that a settled Revenue may be injurious to the State, as making the Clergy too powerful : And that it is unjust in any who are not of the Established Church to refuse Payment of Tythes, as they contribute to the Maintenance of Opinions different from their own.* The *Suspicion* of the one is *absurd* ; because it appears, from what we have but now observed, that this Policy hath a very contrary Effect ; a settled Maintenance destroying that mutual Dependency between Clergy and People, from whence only arises the Power of Churchmen to do Mischief. In the Church of *Rome*, besides the endowed Clergy, there are several Orders of Religious which possess nothing, but depend on
the

C. 3. Of an ESTABLISHED CHURCH. 125

the Charity of the People. And yet, for many Ages, these *Wens* and *Botches* of a corrupted Church got all the Power and Influence of Churchmen to themselves, from the endowed Clergy, notwithstanding the Immensity of their Possessions. And the State throve accordingly. The *Refusal* of the other is *unjust* ; because this Maintenance is not assigned by the Public for the *support* of *Opinions*, but for the Use and *Necessities of the State* : With as good Reason, therefore, might they refuse to pay other Taxes which, in their several Applications, are for the same Civil Purpose. The Difference is only accidental : *Church Officers* happen to have Religious Opinions ; and *Civil Officers*, sometimes, *none*. But one Sect^e hath added to their Refusal *the grossest Prevarication*. These People refuse to pay Tythes on Pretence of the Sinfulness of contributing to the Support of Sin ; and yet, at the same Time, readily pay Taxes, *expresly* appropriated to the Support and Prosecution of an *offensive War* ; a Thing, in their Opinion, utterly sinful.

^e The *Quakers*.

3. A THIRD Corollary is : *That as a fixed and public Maintenance began with an Established Church, so it must end with it.* For the Members of a Church unestablished, have no Right, let their Association, for that End, be as extensive as it will, to support their Ministers by a settled Endowment. All they can do is by voluntary Contribution ; a fixed Maintenance being solely in the Power of the State, both as it is a common Tax, and as it requires the Public Sanction for its Exaction : And the State could not *wisely* nor *justly* affix a public Maintenance to the Clergy of a Church with which it was not in Alliance. Not *wisely*, because the Advantage in breaking the Dependency between Clergy and People, which the State gains by a fixed Maintenance, would be greatly over-balanced by the Inconvenience of giving so considerable a Share of its Property to a Society independent of it. Not *justly*, because no Contribution to a public Maintenance could be lawfully demanded of those who are not Members of an unestablished Church so pretending. For in this Case it would indeed be for *Maintenance of Opinions*, which they think erroneous ; to which no one can be obliged
to

C. 3. Of an ESTABLISHED CHURCH. 127

to contribute ; as they justly may, to what by *Covenant and Compact* is expressly directed to promote the Good of that Civil Policy of which they are Members.

II. THE second Privilege the Church receives from this Alliance is, *a Place for her Representatives in the Court of Legislature* ; which, with us, is THE BISHOPS SEAT IN PARLIAMENT. For as it necessarily follows (as we shall see presently) from that *fundamental Article of Alliance* of the State's supporting and protecting the Church, that the Church must, in return, give up its *Independency to the State*, whereby the State becomes empowered to determine in all Church Matters, so far as relates to it as a Society ; as this, I say, necessarily follows, the Church must needs have its *Representatives in the Court of Legislature*, to prevent that Power, which the State receives in return for the Protection it affords, from being perverted to the Church's Injury : For the Church's giving up its *Independency* to the State, without reserving a Right of Representation in the Legislature, would be making itself, instead of a *Subject*, a *Slave* to the State. Besides, without these Representatives,

tives, no Laws could be reasonably made in the Court of Legislature concerning the Church; because no free Man, or Body, can be bound by Laws to which they have not given their Consent, either in Person, or by Representative. So that as the Church, when she entered into Alliance, cannot *justly*, we must presume she did not *willingly* give up her Independency, without the Reservation of such Privilege. This shews the Necessity of their sitting and acting in the Legislature, in all Affairs *Ecclesiastical*. That they should act too, when they are there, like the other Members, *in Civil Matters*, is very useful to the State: as giving additional Sanction to its Laws, when the People see that Church and State have concurred in their enacting.

FROM this Account of the Grounds and Original of this Privilege may be deduced the following COROLLARIES:

I. THAT *Churchmen who sit in Parliament, in Consequence of this Alliance, are not there in their own Right, for their Baronies, or lay Fees, like the other Members.* For this, besides destroying the only necessary
and

C. 3. *Of an ESTABLISHED CHURCH.* 129

and useful End of their sitting, the *representing the Church*, would imply this further Absurdity, of incorporating and dissolving the Church into the State : For, as their sitting to *represent* implies the Church to be a distinct Body and Society ; so their sitting *in their own Right* as necessarily implies it to be dissolved into the State ; while Lay-fees give one and the same Privilege both to Seculars and Churchmen.

2. THAT, *neither, on the other hand, do Churchmen, tho' they sit as Representatives, compose any third or distinct Estate in Parliament*^f. For this would be attended with all the Mischiefs of a contrary Extreme, and put the allied Church again in Possession of its *Independency* ; by giving it a Negative on the Acts of the State^g ; the Concurrence

^f Perfectum regimen, quod attinet ad ordinem & jura societatis humanæ, sine vero sacerdotio ac sine vera religione, esse potest.—Perfectum esse posse dicimus in ordine politico, seu quantum attinet ad jura societatis humanæ—Denique in se supremum nullius alterius Imperii indigum, nulli alteri obnoxium potestati. *Bossuet, L. v. c. 5. F. T.*

^g Hence the Bishops of *Charles I* acted no absurd Part, when, being drove from Parliament by the Tu-

currence of every *Estate* of Legislature being necessary to give Authority to its Decrees. And this Evil, which no Management could prevent, so neither could Time itself remedy. For the Union, which is in its Nature dissolvable, would, by Churchmen's sitting as a *Third Estate*, become perpetual. Every Estate of Legislature being essential to that Government whereto it belongs. But whatever is essential can never be separated or taken away.

THESE are the two Extremes, so hurtful both to Religion and Society : and destructive of that Good which a rightly formed Alliance is fitted to produce. Yet the common System hath joined these two discordant Parts together, and made the Bishops, at once, *Barons*, and a distinct *Estate*.

THIS short Account of their *Seat in Parliament*, deduced from the Reason of Things, is fully supported by the Principles of the *English* Constitution, as they are delivered

mults which preceded the Civil Wars, they protested, in Consequence of this Principle, against all Laws made in their Absence. And the Noble Historian of these Times, who held the same Principles, condemns these Protestors with a very ill Grace.

by

C. 3. Of an ESTABLISHED CHURCH. 131

by the Lord Chief Justice HALES ; who in
a *MS. Treatise touching the Right of the*
Crown, expreſſeth himſelf in theſe Words ^h,
“ The Biſhops ſit in the Houſe of Peers
“ by *Uſage* and *Cuſtom*, which I therefore
“ call *Uſage*, becauſe they had it not by
“ expreſs Charter, for then we ſhould find
“ ſome. Neither had they it by Tenure ;
“ for, regularly, their Tenure was in *Free-*
“ *Alms*, and not, *per Baroniam*, and there-
“ fore it is clear they were not *Barons* in
“ reſpect of their Poſſeſſions, but their
“ Poſſeſſions were called Baronies, becauſe
“ they were the Poſſeſſions of Cuſto-
“ mary Barons. Beſides, it is evident that
“ the Writ of Summons uſually went *Electo*
“ & *confirmato*, before any Reſtitution of
“ the Temporalties ; ſo that their Poſ-
“ ſeſſions were not the Cauſe of their Sum-
“ mons [as it was in Part, and but in Part
“ in the Caſe of ſome Abbots.] Neither are
“ they *Barons* by Preſcription ; for it is evi-
“ dent that as well the lately erected Biſhops,
“ as *Glouceſter, Oxon, &c.* had Voice in Par-
“ liament, and yet created within time of
“ Memory, and without any ſpecial Words
“ in the Erection thereof to intitle them to

^h Communicated to me by a Friend.

“ it. So that it is a Privilege by Usage
 “ annexed to the Episcopal Dignity within
 “ the Realm ; not to their Order, which
 “ they acquire by Consecration ; nor to
 “ their Persons, for in respect to their Per-
 “ sons they are not Barons, nor to be tried
 “ as Barons, but to THEIR INCORPORA-
 “ TION and Dignity Episcopal.”

THUS far this great Lawyer ; and the Passage is remarkable. *The Bishops* (he says) *fit in Parliament by Usage and Custom ; and that this Privilege is annexed not to their Order, nor to their Persons, but to their Incorporation ;* the very Doctrine I have here endeavoured to establish. That they sit not as Bishops of the Universal Church, (for that is what he means by *their Order*) is evident. The Point in Question is, whether they sit as *Barons* ; and this his Lordship denies, for two Reasons ; the first, that their Tenures are not properly Baronies : But this I do not chuse to insist on, the Legislature itself appearing to allow them that Title, as we shall see presently. The second seems more decisive, which is, that *the Writ of Summons usually went Electo & confirmato, before any Restitution of the Temporalities.* So
 that

C. 3. Of an ESTABLISHED CHURCH. 133

that this great Authority has all the Force requisite to determine a Question of Fact.

It will be proper, in Conclusion, just to observe, that when we speak of the Quality of this *Right of Session*, we mean, by *Parliament*, a Court of Legislature only: As a Court of Justice we allow the Bishops to sit as *Barons*, induced thereto by the *Constitutions at Clarendon*, which expressly say, *That Clergymen holding per Baroniam, shall do such Services as to their Tenures belong, and shall assist in the King's Court till Judgment of Life and Member*. And if I might be indulged a Conjecture, I should suppose, that Men's confounding these two Jurisdictions, in the Supreme Court of Parliament, was what gave the first Rise to the vulgar Error here opposed.

3. A THIRD Corollary is, *That as the Bishops Right of sitting in Parliament begun, so it must end with the Establishment*. We have shewn that they sit there, *ne quid Ecclesia detrimenti capiat*: For the Church, by this Alliance, having given up its Supremacy to the State, which, by the Abuse of that Grant, hath now Opportunities to do

her Injury, Churchmen are placed in the Legislature as Guards and Watchmen to prevent it ; and to give the Church's Opinion on Laws Ecclesiastical : But when the Alliance is broken, and the Establishment dissolved, the Church recovers back its Supremacy : So that the State losing this Means of injuring the Church, and having no longer a Right of making Laws for it, the Church hath no more Pretence of Representation in the Legislature. Nor will their *Baronies* preserve them : For if it should be granted that they sat in Parliament not as Representatives of the Church, but as Barons, that Right will exist no longer than the Establishment ; for these Baronies being Part of the public Maintenance which the State assigns to the Clergy of an Established Church, and that Maintenance having been granted only during an Establishment, the Foundation of the Right utterly fails when the Establishment is abolished.

III. THE third and last Privilege the Church gains by this Alliance, is the being intrusted with *a Jurisdiction enforced by coercive Power*, FOR REFORMATION OF
MAN-

C. 3. Of an ESTABLISHED CHURCH. 135

MANNERS. It is one of the *preliminary* Articles of this Alliance, *that the Church should apply its best Influence in the Service of the State*: But there is no Way in which it can be so effectually inforced as thro' a Jurisdiction of this kind. In speaking (in the *first Book*) of the natural Defect in the Original Plan of Civil Power; and (in *this Book*) of the Motives the State had to seek an Alliance; it hath been shewn, that there is a numerous Set of Duties of *imperfect Obligation* which human Laws could not reach; and several of *perfect Obligation*, which, by reason of the Intemperance of the sensual Passions, from whence the Breach of those Duties proceeds, those Laws could not effectually inforce; as their Violence yielded only to the Influence of Religion. Now the Good of Society requires that *these* should be reached and inforced: But the Endeavours both of *Civil Courts* and of peculiar *Societies for the Reformation of Manners*, have always proved ineffectual: It was necessary then that, in an Establishment, an *Ecclesiastical Jurisdiction* intrusted with coactive Power should be erected by the State, for a *Succedaneum* to the Civil Judicatures. And indeed the Sense of those

Wants and Defects which these Courts do supply, was the principal Motive of the State's seeking this Alliance. So that the Abolition of Spiritual Courts would shake the very Foundation on which the Establishment is erected. On the other hand, the Church having now given up her Supremacy, she would, without the Accession of this Authority, be left naked and defenceless, and reduced to a Condition unbecoming her Dignity, and dangerous to her Safety.

FROM hence we deduce these COROLLARIES,

I. THAT *no Matters of Opinion; nor any Civil Matters, which the temporal Courts can conveniently inspect, come within this Spiritual Jurisdiction.*

NOT *Matters of Opinion.* Because the Church cannot lawfully exercise coercive Power over Conscience. And because, if it could, the State has no such Power to bestow. 1. We have shewn in the former Book, that all coercive Power is unfitly and unjustly applied by the Church to its own Service.

C. 3. *Of an ESTABLISHED CHURCH.* 137

Service. But, punishing Opinions is applying coactive Power to its own Service : And we have shewn, in this Book, that the State lent this coactive Power to be employed in the State's Service : For the Church therefore to employ it in punishing Opinions, which is using it in her *own Service*, is perverting the End for which it was communicated. 2. The State had no such Power to bestow : *For no one can give that to another which he hath not himself.* And we have proved, that the State hath nothing to do with *Opinions*. In both Cases, indeed, we admit an Exception : The Church having an inherent Power of Expulsion for not complying with its Formulary of Communion : And the State the same Power of Coercion for opposing any of the *Three great Principles of Natural Religion*, mentioned in the first Book of this Discourse. But then these Exceptions affect not the Reality of the Position, *That an Ecclesiastical Court, endowed with coactive Power, hath nothing to do with Opinions.* For, so far as respects the Church's inherent Power of Expulsion not being attended with Civil Detriment, it remains the same it was before the Union. On other Accounts there is a Difference ;
for,

for, since the Union, no one can be expelled for not complying with its Formulary of Communion without the State's Consent, as will be shewn in its Place. And, with regard to those Opinions which concern the *fundamental Principles of Natural Religion*, which the State has an inherent Power to restrain, the Exercise of that Power is of so great Moment and Importance to the State, that it would not be safe to intrust it in any other Hands: Besides it is very liable to Abuse when exercised by *Spiritual Courts*; a Danger not likely to be incurred while in the *Civil*: For the *former* have many Temptations to confound these Principles with those of their own peculiar Modes of Religion; the *latter* scarce any at all. Nor ought Ecclesiastical Courts to *expect* it, because it is a Power Temporal Courts can commodiously exercise. Which comes in with the other Part of the Division of Matters that belong not to ecclesiastical Jurisdiction: namely, *Civil Matters, which temporal Courts may conveniently inspect*. These, we say, can never belong to an Ecclesiastical Jurisdiction. It hath been shewn, that this Court was erected as a *Succedaneum* to the Civil, to take Cognizance of such Actions

C. 3. *Of an ESTABLISHED CHURCH.* 139

Actions as the Civil could not reach, or could not remedy. And we may be assured that nothing less could have induced the State to consent to its Erection. For the parting with a Share of its Jurisdiction is not a Matter of Indifference: but, indeed, considering how liable to Abuse it is in other Hands, a real Evil; which before the State could be persuaded to incur, it must be satisfied a greater Evil would be thereby avoided: And the suffering those Transgressions to go unpunished, which itself could not conveniently and effectually restrain, was that greater Evil. A *less* therefore was providentially chosen. From hence it is very evident, that the State could never intend to put those Things under Ecclesiastical Jurisdiction, that fell most conveniently under its own. Because here was an Evil incurred; and no greater, yea none at all, avoided. Besides, for Ecclesiastical Courts to engross Matters that belong to the Civil Jurisdictionⁱ, as it can possibly have no good

ⁱ Superest ultima appellationum species, quæ locum habet cum jura regis & regni aut jurisdictionem secularem in exercendis litibus de actione reali, etiam adversus Clericos, & de omnibus omnino actionibus adversus laicos, præter mere spiritualia, aliqua judicium Ecclesiasticorum inter-

140. *Of an ESTABLISHED CHURCH.* B. II.

good Use, may very possibly be attended with this further Evil of inviting and encouraging the Church to aim at more Power than is consistent either with her own Good or the Good of the State. But if *criminal Causes*, as they are called, which Civil Courts can commodiously take Notice of, belong not to the Church's Jurisdiction; what Pretence hath she to Inspection of *Civil Causes*, or the Determination of private Property? The great Founder of her Religion said, WHO MADE ME A JUDGE OR DIVIDER BETWEEN YOU? And what he would not assume to himself, he would hardly bestow upon his Church. And that the State should ever intend to give her what was the peculiar Right of temporal Courts, is as difficult to suppose. We must conclude then, that such Custom, wherever it is found, was derived, not from the reasonable Laws of this Alliance, but from the Authority of old Papal Usurpations. And in

interlocutione & judicio violari contingit. Plane æquum esse concilium Lateranense sub Innocentio III existimavit, ne ambæ Jurisdictiones præscriptos terminos egredirentur, neu, prætextu libertatis ecclesiasticæ, Episcopi secularium jura invaderent. *Marca, L. iv. c. 21. F. T.*

this

C. 3. *Of an ESTABLISHED CHURCH.* 141

this Light it was regarded by that great and wise Legislature under *Edward VI*, when it took MATRIMONIAL and TESTAMENTARY Causes from Ecclesiastical Courts, and RESTORED them to the Civil. How the Usurpation of so extensive a Jurisdiction first began is not difficult to apprehend, on reflecting upon what hath been before said concerning the Methods the State made use of, by the Aid of *allied Religion*, to add a Sanction to its Civil Institutes. For thus *Marriage*, a *Civil Compact*, being of the highest Importance to Society, was, in order to give it the greater Sanctity, made a *Religious one*, by being confined to the Administration of the Clergy. And so far all was well. But from thence the Clergy, by degrees, took occasion to draw into the Church's Jurisdiction every thing that arose between the two Sexes from that Compact, the Rites of which they administered. And from this Example may be seen, what bad Work *Spiritual Courts* cut out, when they usurp the Determination of *Civil Causes*. For here, tho' the Voice of Nature and the Oracles of God concurred to pronounce, in some Cases, a DIVORCE in ill-assorted Marriages; yet, on the idle Fancy or crafty

ty Pretence, that that Rite was a *Sacrament*, they boldly ventured to contradict both, and to pronounce the Contract indissoluble.

ECCLESIASTICAL Jurisdiction, therefore, with coercive Power, neither extending to *Matters of Opinion*, nor yet to *mere Civil Concerns*; we must conclude that it was given SOLELY FOR REFORMATION OF MANNERS. From hence it appears with what Justice our Constitution hath subjected all sorts of Dissenters from the Established Church, to this Jurisdiction. The State's Care of *Reformation of Manners* extending to all its Members of whatever Denomination, and no Sect can pretend Conscience for such an Exemption.

2. ANOTHER Corollary is, *that the Erection of these Courts does not exempt the Clergy from Civil Jurisdiction*. For as to what is purely Episcopal, that is, Spiritual, in the Prelate's Office, his Superintendency over the Clergy of his Diocese, there is no need of a Court of Judicature to assist him in the Discharge of it. A very unfit Instrument of Pastoral Care in the Opinion even of the Canon-Law

C. 3. *Of an ESTABLISHED CHURCH.* 143

Law it self, which says, “ *Episcopi se debent scire Presbyteros, non DOMINOS, nec debent in Clerum dominari: Episcopus se sedente non permittet Presbyterum stare. Episcopi noverint se magis consuetudine quam dispensatione Presbyteris majores.*” 1. It hath been shewn, that Ecclesiastical Courts were not erected for the sake of the Church, but of the State. They cannot therefore take Cognizance of the Affairs of the Clergy; because *that* would be employing their Jurisdiction to their own Purposes. 2. It hath been shewn they were erected to take care of those things which Civil Courts were incapable of inspecting: But all Causes that relate to the Clergy, whether Criminal or Civil^k, they can inspect: And not to bring those of the first Kind before the Temporal Courts, but to allow them a Jurisdiction distinct from the rest of their Fellow-Subjects, would be the Occasion of much Mischief to the State:

^k Enimvero quia Clerici, non tantum qua Clerici, sed etiam qua Cives sunt, spectantur in Republica, legibus Principum tenentur—Potestatem regiam a clericis, qua sunt Clerici, et a rebus omnino spiritualibus et mere ecclesiasticis arcemus, præterquam si ad tuendos canones exerceatur. *Marca, L. ii. c. 7. F. T.*

As

As not to bring those of the latter Kind before the same common Tribunal, the chief of which concern their Ecclesiastical Revenues, would in time create Mistakes about the Original of those Rights; which being derived from the State, there seems to be no other way to preserve the Memory of, than by providing that all Disputes concerning *them* be determined by the Civil Judicature ¹.

3. A THIRD Corollary is, *that Ecclesiastical Courts go invariably by the Rules and Maxims of the municipal Laws of that State to which the Church is united; that the Forms of Process and judiciary Proceeding be borrowed from the Civil Courts; and that Appeals to these be allowed, in all Cases, from the Courts Ecclesiastical.* The State must needs intend, when it prescribes and defines the Power it communicates, that That Power should be exercised according to the RULES and MAXIMS *itself* observes in the Civil Courts; and observed there, as most condu-

¹ Quæ de bonorum ecclesiasticorum possessione, fructibus, & plerumque etiam de proprietate oriuntur lites, apud Magistratus Seculares disceptantur. *Marca, in præfatione secunda.* F. T:

C. 3. *Of an ESTABLISHED CHURCH.* 145

cive to Justice, Equity, and the Ease of the Parties.^o For this Care of its Subjects in Civil Courts, it could never be supposed to throw off when it sent them to an Ecclesiastical Jurisdiction.

IT must likewise be supposed to intend, that this Power should be exercised by the same FORMS OF PROCESS and *judiciary Proceeding* which itself employs in the Civil Courts : Because this is the surest Way of Preserving the Memory of the Original, and Dependency of the ecclesiastical^m. On which account too, there is a Propriety in the Judge of this Court's being a LAYMAN by Civil Appointmentⁿ. On the contrary, for Ecclesiastical Courts to administer their Power, and regulate their Proceedings on *foreign Forms, Rules, and Maxims*, is acting as if independent on the HOME, or subject to a FOREIGN, JURISDICTION.

^m By the Parliament called in the first Year of *Edward VI.* it was enacted, that all Processes Ecclesiastical should be made in the King's Name, as in Writs at the Common Law : And that all Persons exercising Ecclesiastical Jurisdiction should have the King's Arms in their Seals of Office.

ⁿ See 26 *Hen. viii. c. 3.*

L

THAT

THAT there should *be Appeals from these Courts to the Civil, in all Cases*, is as evident,

1. Because it is of the Nature and Condition of all inferior Courts to be appealed from, to a superior. 2. Because *Ecclesiastical Courts* not so subjected, would effect an Independency on the Civil Power. And, 3. Because they would soon erect themselves into Tyrannies°. And it is observable, that,

° Ac primo quidem de Appellationibus, quæ vulgo abusu dicuntur—quæ tractatio cæteras antecedere debet; quia tuitio regia otiosa esset & reliqui libertatum articuli facile labefactarentur, nisi connecterentur hoc uno vinculo—Non omittendum est reges nostros aliquando, etsi nullis precibus Ecclesiæ Gallicanæ interpellati essent, novitates a Romana curia adversus aliquos mores introductas, legibus suis & Magistratuum executione repulisse, ob detrimentum quod inde regni tranquillitati inferri poterat—Apud Hispanos obtinet, ut Episcopi & Clerici, qui mandatis regis non obtemperant, seu ad impertinendam tuitioem contra vim judicum Ecclesiasticorum in causa ecclesiastica latis, five ad repellendam invasionem, quæ sit a Clericis adversus jurisdictionem secularem, aut ob quamcunque aliam graviolem contumaciam, jure civitatis, seu naturalitatis regni priventur, & statim a regno expellantur, suisque redditibus spolientur. Non quidem, inquit illi, per modum jurisdictionis ordinariæ quæ in Clericos regibus non competit, sed potestate quadam politica & œconomica, ut docent Covarruvias & Bodavilla, & omnes Scriptores Hispani. *Marca, in præf. prima, & L. iv. c. 9. & seq. F. T.*

even

C. 3. *Of an ESTABLISHED CHURCH.* 147
even in the most unfriendly Seasons of our
Constitution, these Appeals had a free Course,
till, obstructed by the Statute of *Circumspecte*
agatis in the Time of *Edward* the first.

THESE are the Privileges, which, thro'
the Concession of the State, the Church
gained by this Alliance.

II.

LET us see next, what Privileges, through
the Concession of the Church, the State
gained by it. These in a Word, may be
comprised in its SUPREMACY IN MATTERS
ECCLESIASTICAL^P. *The Church resigning*
up her Independency, and making the Ma-
gistrate her SUPREME HEAD, without whose
Approbation and Allowance she can administer,
transact, or decree nothing. For the State, by

^P Ex Theodosii Imperatoris litteris ad Synodum Ephe-
sinam patet societatem & cognationem quandam inter-
cedere inter Religionem & Rempublicam; ad principis
studium pertinere Ecclesiastici status æque ac imperii pa-
cem; regii muneris esse ut eum firmum & inviolatum
præstet ex omnium consensu, pietatis religionisque fince-
ritatem tueatur, curetque ut eorum qui clero adscripti
sunt emendata sit castigataque vita. *Marca, L. ii. c. x.*
F. T.

this *Alliance*, having undertaken the Protection of *the Church*; and Protection not being to be afforded to any Community, without Power over it, in the Community protecting; it necessarily follows, that the *Civil Magistrate must be supreme*. Protection is a Kind of Guardianship: and Guardianship, in its very Nature, implies Superiority and Rule. The Charge therefore of Protection, without a Right of *Supremacy*, is giving the State no better an Office, than that of PUBLIC EXECUTIONER OF THE CHURCH'S DECREES. With which high Station we find those States to be invested that are most enslaved to the Papal Power. But further, when the State, by this Convention, covenanted to afford the Church Protection, that Contract was made with a particular Church of one Denomination, and of such determined Doctrine and Discipline. But now that Protection, which might be advantageous to a State in union with such a Church, might be disadvantageous to it in union with one of a different Doctrine and Discipline: Therefore, when Protection is given to a Church, it must be, at the same time, provided, that no Alteration be made in it, without the State's Approbation and Allow-

Allowance. Lastly, the State having *endowed* its Clergy, and bestowed upon them a *Jurisdiction* with coactive Power, these Privileges would create an *Imperium in Imperio*, had not the Civil Magistrate, in return, this *Supremacy of the Church*⁹.

THE three principal Branches of which are these ; and because they have been often disputed, we shall now endeavour to explain and support them. The first is,

I. THAT *no Ecclesiastic of the established Church can exercise his Function without the Magistrate's Approbation and Allowance*. Because the doing otherwise is an act of Sovereignty in the Church, and of Independency in the Clergy. But here we must be careful how we think the Magistrate, by virtue of this Branch of the *Supremacy*, can *make or confer the Character of Priest or Mini-*

⁹ Carolus Magnus præter causas pietatis, motus etiam fuit ad distribuenda liberali manu bona ecclesiis, ob utilitatem reipublicæ, existimans nimirum episcopos sanctius observaturos fidem promissam—Ex quibus probatur quoddam jus novum regibus quæsitum fuisse ob naturam bonorum quibus ecclesia fruebatur. *Marca, L. viii. c. 19. F. T.*

ster ; or even exercise himself that Office^r. This was not, nor *could* be given him by the Convention : 1. Because it answers no reasonable End or Purpose. All the possible Advantages arising to the Magistrate by his Supremacy, being secured by his having the *Exercise* of the Ministerial Function absolutely under his Direction. So that, to interfere in *making* the Character, would be *impertinent*. 2. Because this Power directly tends to the Destruction of a Church as a Society : The Essence of which, as we have shewn, is, to have Officers and Ministers of its own Creation. Therefore, the giving up this Right to the Magistrate would not be a Convention of *Alliance*, but an act of *Incorporation*, absorbing and dissolving the Church into the State. This Consequence the Enemies of a Church, as a Society, are so well aware of, that, in order to bring on its Dissolution,

^r Imperatorem præsidere humano generi dignitate, sed in perceptione Sacramentorum Sacerdotibus subdi ; Legibus Principis, quantum attinet ad ordinem publicæ disciplinæ, parere religionis antistites, sed in erogandis Mysteriis & in cœlestibus sacramentis principem ordine religionis a Sacerdotum judicio pendere, &c. *Marca, L. ii. c. i. F. T.*

they

C. 3. Of an ESTABLISHED CHURCH. 151

they principally labour to inforce this point, *that the Magistrate may confer and exercise the sacred Function and Character.* So that, to interfere in *making* the Character would be *unjust*. 3. Because this Power would, in those Religious Societies, where the Founders themselves have directed the Manner of conferring the sacred Character, be esteemed the Violation of a divine Right. So that to interfere in *making* the Character would be *impious*.

ON the whole then we must conclude, that the Office and Character of the Clergy is made and conferred in the very Way it was before the Alliance ; whether the Method was of divine Appointment, or of human : *The Exercise only* of that Office, when thus made, being under the Magistrate's Direction.

THE Opinion of C. J. HALES, in the Tract before quoted, will, I suppose, add weight to what is here delivered. “ 1. The
“ Power (says he) of Ecclesiastical Order
“ *is not derived from the Crown* ; neither is
“ it so conceived to be ; but so much as is
“ not superstitious, is derived from *Christ*.

“ Hence it is that the Powers of Order
 “ are not in themselves, nor as to the Efficacy of them, confined to any Diocese or Precinct. 2. The Determination of the Exercise of those Powers of Order to Time, Place, Person, Manner of Performance, *is derived from the Crown.*
 “ *Ex. Gr.* The prescribing who shall be a Bishop; the Extent of his Diocese; the Circumscription of him under Pain of Contempt to act his Powers of Order within those Limits; these are Powers originally inherent in the Crown. 3.
 “ The Power of the Keys, *in foro conscientiae*, which is not properly a Jurisdiction, because it is without any external Coercion or Change in the Party. This is *not derived from the Crown*, but from a higher Commission. 4. All Power of External Jurisdiction is *originally in the King*, either formally to exercise, or at least virtually to derive; which is evident.”

II. THE second Branch of this *Supremacy* is, *That no Convocation, Synod, or Church Assembly hath a Right to sit without the express*

* MS. Tr. *Touching the Right of the Crown.* Communicated ut sup.

† See the Stat. 25 Hen. viii. c. 19.

C. 3. Of an ESTABLISHED CHURCH. 153

Permission of the Magistrate : Nor, when they do sit, by virtue of that Permission, to proceed in a judiciary or legislative Manner, without a special Licence^u for that Purpose ; nor to impose their Acts, as authoritative, till they have received his Confirmation^x: Whether it be

^u Alio etiam, eoque eximio jure, utebantur Principes in præscribendo judiciorum ordine, quæ in Synodis a se indictis peragenda erant. Hinc profectum est, ut præcipuos Magistratus delegarent qui Conciliis interessent, non solum ut vis publica & tumultus arcerentur, sed etiam ut ab episcopis cognitionum ordo servaretur—Tantâ autem severitate hac in parte a conciliis obedientiam Principes exigebant, ut si præscriptum sibi judiciorum ordinem egressa fuissent, quidquid neglecta cognitionis lege decretum foret, in irritum mitterent, ut patet ex Theodosii rescriptis adversus Synodum Ephesinam latis—Principes aliquando suspendebant prioris Synodi judicatum nova Synodo indicta, quod factum est a Theodosio in causa Nestorii.—Neque Acta Synodorum reciderunt nisi ad asserenda mandata quæ dederant, quorum contemptus lædebat auctoritatem publicam ; neque executionem rerum judicatarum suspenderunt, nisi ob canonum violationem, e qua scandala & dissensiones oriebantur. *Marca, L. iv. c. 3, 4. F. T.*

^x Sufficiunt, opinor, ea quæ diximus, ut difficilibus & morosis ingeniis persuaderi possit, magnam regibus auctoritatem competere ad convocanda Concilia—Confirmatio Canonum decernenda est a Principe, cum cognitione causæ ; quandoquidem ei vim legis publicæ in regno tribuit

be for decreeing Matters of Discipline ; or for condemning by Expulsion for Matters of Doctrine ; or, lastly, for correcting Manners. That the Church cannot assemble in Synod, under the Magistrate's Supremacy, without his Permission, is evident. Because, before the Alliance, the Power that follows the Supremacy and Independency of the Church, was exercised in those Assemblies. To suffer such therefore to meet, after the Union, without Licence, would be virtually giving up his Supremacy, and acknowledging it to be now, as before, in the Church. That when assembled it cannot proceed in a judiciary or legislative Manner without express and particular Licence to act, and without Confirmation of its Decrees, is plain from hence : 1. Because, in its *judiciary* Capacity, the Church hath already one Jurisdiction, with coactive Power, granted to it, called the *Bishop's Court*. To give it other fixed and standing Judicatories would be both unnecessary and unfit. *Unnecessary*, because the Bishop's

buit acceptatio & consensus principis, tanquam capitis populorum, & confirmatio etiam, tanquam principis qui superiorem non agnoscit. *Marca, L. vi. c. 17-22.*
F. T.

Courts

C. 3. *Of an ESTABLISHED CHURCH.* 155

Courts are sufficient for the common Uses of the State; and, for rare and uncommon Cases, an OCCASIONAL JURISDICTION is sufficient. *Unfit*, because the giving two fixed and perpetual Judicatories with coactive Power, would be intrusting the Church with more temporal Authority than, even under the Magistrate's Supremacy, would be consistent with the Safety of Civil Government.

2. Because in its *Legislative* Capacity, the decreeing Matters of Discipline, and condemning, by Expulsion, for Matters of Doctrine, cannot be done in Alliance without the Consent of the State^y.

BUT it appears, on the other hand, a great Error to imagine such Assemblies, when legally convened, to be either useless or mischievous. For all Churches, except

^y---Nimirum ad Regem pertinere jus convocandi Ecclesiam Gallicanam, proponendi materiam quam in conventu agitari voluerit, examinandi res in eo decretas, easque, si visum fuerit expedire, approbandi, earumque executionem jubendi---Nunquam discedere oportet ab hac certissima regula, deliberationes Ecclesiæ Gallicanæ considerari non posse aliter quam velut consilium Regi datum, easque executioni non posse mandari absque consensu & confirmatione ejus. *Marca, L. vi. c. 34.*
F. T.

the

the Jewish and Christian, being *human* politic Societies, of the Nature of which, even the Christian, *in part*, partakes²; and all Societies, without exception, being administer'd by human Means, it must needs happen, that Religious Societies, as well as Civil, will have frequent Occasion to be new regulated, and put in Order. Now tho' by this *Alliance of Church and State*, no new Regulations can be made for Church Government, but by the State's Authority; yet still there is Reason that the Church should be previously consulted, which we must suppose well skilled (as in her proper Business) to form and digest such new Regulations, before they come before the Consideration of the Civil Legislature³. Acting
other-

² See *Hooker's Eccl. Pol.*

³ Quæri potest an ex eo quod suprema Canonum protectio ad regem pertinet, sequatur eum jubere posse ut observentur, non expectata etiam sententia Ecclesiæ Gallicanæ. Certum quidem est earum constitutionum observationem fore sanctiorem, si considerentur cum generali Cleri consensu—Nihilominus æque certum est regem ex sententia concilii sui, quod auget & minuit prout ei lubet, posse latis edictis decernere ut canones observentur, ac circumstantias & modos necessarios addere ad faciliorem eorum executionem, sive etiam ad veram eorum mentem explicandam, eosque

otherwise is changing this, which is a *federate Alliance*, into an *incorporate Union*; where, indeed, the Practice is different: For here, one of the Societies in union is lost and dissolved in the other; by which means, all the Power in Question devolves upon the Survivor^b. But, in a *federate Alliance*, the
two

eosque accommodare ad utilitatem regni. Ad probationem autem hujus auctoritatis extant exempla omnium Imperatorum Christianorum—Utuntur adhuc eo jure reges Christianissimi. Nam licet Tomos Deliberationum cleri Gallicani recipiant, eæ tamen tantum spectantur velut consilium & oratio ad Principem, vulgo appellata *Remonstrances*. Dein Rex decernit id quod lubitum ipsi fuerit, sive respondendo in Margine Tomi, ut vulgo fieri consuevit; sive etiam per Edictum. Præterea Reges nostri condunt constitutiones pro condenda politia ecclesiastica ad executionem canonum; neque ullam cujuslibet coetus sententiam rogant quam sui concilii, quod ex personis Ecclesiasticis & Secularibus constat. *Marca, L. vi. c. 36. F. T.*

^b As in these *incorporate Unions*, it commonly happens that the *fundamental* Articles are declared by the contracting Parties, to be unalterable; it hath become a Question, whether the new Sovereignty can alter such Articles without dissolving the Union. The Difficulty seems to arise from the very Nature of the Convention. Two independent States unite in one, on certain Conditions, declared, by the contracting Parties, to be unalterable. When these two States are *equal*, a new one
arises

158 *Of an ESTABLISHED CHURCH.* B.II.

two Societies still subsist intire; tho' in a Subordination of one to the other: in which case, it seems agreeable to natural Equity,

arises from their Incorporation, composed of the other two; when *unequal*, the less is melted down into the more Powerful; as in this latter Case one only of the contracting Parties now subsists; so, in the other, neither of them. Now good Faith requires, that all Contracts shall exist, till dissolved by the mutual Consent of the contracting Parties themselves; but here the contracting Parties are no longer in being: So that these Articles of Union would seem to be perpetual, tho' that Condition has not been expressly stipulated. On the other hand, the incessant flux of human Things necessitates Society, in course of Time, to make changes in the most fundamental Parts of the Constitution. This is the Difficulty: Which seems not to be well solved in only recurring to the common Power of the Sovereignty of repealing and changing the Laws. Whose very Title indeed shews the absurdity of an irrevocable Law; as such would tend to destroy the very Power which puts it in Force. But the Reason of this act of Power is founded on a Supposition, that the Laws revoked by the Sovereign were of the Sovereign's enacting, which is not the Fact, in the Case before us. For the Articles of Union, made before the Incorporation, had for their Author, Powers different from what are now left for their Abrogation; one or both the contracting Powers being no longer existent.

that

C. 3. Of an ESTABLISHED CHURCH. 159

that no Alterations in Church Government should be made without the joint Consent of both. If it should be said, that Ecclesi-

To justify any Alteration, therefore, we must have recourse to a higher Principle; which is not the Rights of this or that Sovereignty, but of Society itself, as such. Contracts between independent States are of the same Nature as those between Individuals. Now a Number of Individuals, let it be Three hundred, or Three hundred Thousand, agree, in the State of Nature, to form themselves into Civil Society. The *first Convention*, (as it is called by the Writers on the Laws of Nature and Nations) by which the *Form* of Government is agreed upon, is between Individuals; where the Consent of every one is necessary to make him subject to it. And this *Form* they declare to be unalterable, as the only one they are willing to exchange for their natural Liberty. After this follows the *second Convention*; in which Protection and Allegiance are mutually promised by Sovereign and People; whereby the contracting Parties in the *first Convention*, become annihilated, and a new factitious Person is produced; as appears from hence, that in the *first Convention*, the Consent of every one is necessary to conclude him, in the *Second*; the Majority is sufficient. Now who ever doubted but that this new created Body had a Right of altering the Form of Government? For the Necessity, which arises from the Nature of Things, requiring an Alteration, and the contracting Parties being no longer existent, their Survivor must needs be deemed their Substitute, on whom all their Power is devolved.

astics

astics are placed in the Civil Court of Legislature for that purpose, I must beg leave to dissent. It hath been shewn, they make no distinct ESTATE there: and, consequently, are not *Representatives*, but *Agents*, only, of the Church; to manage its Concerns, and to give notice of what is transacting there that regards its Interests: In a word, to carry on a mutual Intercourse of good Offices between two Societies so closely allied. And therefore, there was no Absurdity in that Custom, which continued during the *Saxon* Government and some time after, which admitted the Laity into Ecclesiastical Synods. There appearing to be much the same Reason for Laymen's sitting in Convocation, as for Churchmen in Parliament.

As for the Mischiefs of Synodical Assemblies, by their Heats, Quarrels, and Divisions, we own them to be very great. So as to have occasioned the Civil Magistrate to suspend them for a long time together. Nor is this a late Exertion of the Prerogative. We find Archbishop *Anselm* complaining that *William Rufus* would not allow any ecclesiastical Synod to be called for thirteen Years together: which, upon the matter, took in
that

C. 3. *Of an ESTABLISHED CHURCH.* 161

that King's whole Reign. But then we must consider, that these Quarrels have all arisen from not having had their Original and End, under an Establishment, precisely determined. As appears from the constant Subject of their Quarrels ; which have always been about the Power and Extent of their Privileges and Jurisdictions. And we may venture to affirm, that Synods convened, and meeting, on the Principles here laid down, cannot possibly be pernicious to the State, or fruitless to the Church.

III. The third Consequence of this Supremacy is, *That no Member of the Established Church can be excommunicated, or expelled the Society, without the Consent and Allowance of the Magistrate*^c. For Expulsion being an Act of Supremacy, it must needs be authorised by him, with whom the Supremacy is now lodged. Besides, did the

^c In contentionibus de Jurisdictione Ecclesiastica & Sæculari, ultimum judicium asseritur supremæ Curiae regni, licentia adempta Episcopis jus sibi censuris & excommunicationibus dicendi—Unde sequitur regem nec regios Magistratus aut officiales excommunicationibus vel aliis censuris eam ob causam inflictis obnoxios esse. Alioquin Majestas Imperii minueretur, & a Judicio ecclesiasticorum arbitrio penderet. *Marca, L. iv. c. 21.* F. T.

Church retain this Power under an Establishment, nothing could hinder but that it might extend to the *Supreme Magistrate* himself: And how absurd it would be for the *Body* to expel the Head any one may judge. That our ancient Constitution thus restrained the Exercise of this Power appears from the old Writ of *Quare excommunicavit*. But then it is to be observed, that Excommunication for *Doctrines* and Matters of *Opinion*, even when authorised by the State, must still (the State having nothing to do with the Care of Souls, nor the Church with the Care of Bodies) as before the Union, be free from Civil Censures or Inconveniences, other than *accidentally* befall the expelled Person from a *Test-Law*, in those States where the Protection of the Church, and the Peace of the State, require its Assistance. Different in this, from Excommunication for *Immoralities*; which, under an Establishment, hath reasonably and justly, Civil Censures annexed to it *.

FROM

* Quod autem inter Christianos excommunicati, nisi resipiscant, sint infames, & ad quædam vitæ civilis officia inhabiles, ita ex eo ortum est, quod Christiani Principes, quoad fieri potest, leges suas ad bonos mores atque Evangelicam

C. 3. Of an ESTABLISHED CHURCH. 163

FROM this Account of the *Supremacy* may be deduced this COROLLARY,

THAT *the conferring on the supreme Magistrate, the TITLE OF HEAD OF THE CHURCH, is by no Means inconsistent with the Nature of our holy Religion.* This Title hath been misrepresented by the Enemies of our happy Establishment, as the setting up a Legislator, in *Christ's Kingdom*, in the Place of *Christ*. But it hath been shewn, that no other Jurisdiction is given to the Civil Magistrate by this *Supremacy* than the Church, as a mere political Body, exercised before the Convention. This with regard to the Title of *Head of the Church*, the famous Act 26 Hen. VIII. c. 1. explicitly declares, “ The King,
“ his Heirs, and Successors, shall be taken and
“ reputed the only SUPREME HEAD in Earth,
“ of the CHURCH OF ENGLAND.—And shall
“ have full Power from time to time, to vi-
“ sit, reform, correct, and amend all such
“ Errors, Heresies, and Enormities whatso-
“ ever they be, which BY ANY MANNER
“ OF SPIRITUAL AUTHORITY OR JURIS-
“ DICTION ARE OR LAWFULLY MAY BE

gelicam disciplinam aptent ; non quod Excommunica-
tio per se ullo temporali jure bonoque privet. *Bossuet,*
L. v. c. 22. F. T.

“ REFORMED, ordered, corrected, or amended.” That is, which the Church, as a Society or Political Body, was before empowered to do. For only in that Capacity hath she this Power. From hence it follows, that if the Magistrate’s Jurisdiction be an Usurpation on the Rights of *Christ’s Kingdom*, so likewise was the Church’s. That the Church’s was no Usurpation, but perfectly consistent with the Rights of *Christ’s Kingdom* may be thus proved ; *Judaism* was, in every Sense, as strictly, at least, and properly the *Kingdom of God*, as *Christianity* is the *Kingdom of Christ* : Yet that did not hinder, but that there was, by God’s own Approbation and Allowance, an Inferior Jurisdiction in the Jewish State. What then shall make the same unlawful in the Christian Church ? *This*, Both had in common, to be Political Societies by divine Appointment ; but different in *this*, that God, for wise Ends, minutely prescribed the whole Mode of *Jewish* Policy : And *Christ*, on the contrary, with the same divine Wisdom, only constituted the Church a Policed Society in *general* ; and left the Mode of it to human Discretion^f. But I suspect the Matter sticks

^f See *Hooker’s Eccl. Pol.*

here

C. 3. *Of an ESTABLISHED CHURCH.* 165

here : these Men will not allow the Church, or Kingdom of *Christ*, to be a Society in any proper Sense. This indeed is the darling Notion of the Enemies of Establishments. It is certain, the Argument of usurping in *Christ's* Kingdom, hath no Force but on the Supposition that the Church is no proper Society. However this Subterfuge we have totally overthrown ; having proved at large that the Church is indeed a Society.

THUS have we shewn the mutual Privileges *given* and *received* by Church and State, in entering into this famous *Convention*. The Aim of the State being, agreeably to its Nature, *Utility* : And the Aim of the Church, agreeably to her's, *Truth*. From whence we may observe, that as these Privileges all took their Rise, by necessary Consequence from the fundamental Article of the Convention, which was, *that the Church should serve the State, and the State protect the Church* ; so they receive all possible Addition of Strength, from their mutual Dependency on one another. This we have Cause to desire may be received as a certain Mark that our *Plan of Alliance* is no precarious arbitrary Hypothesis, but a Theo-

ry founded in Reason, and the unvariable Nature of Things. For having, from the real Essence of the two Societies, collected the *Necessity* of allying, and the Freedom of the Compact ; we have, from the *Necessity*, fairly introduced it ; and, from its *Freedom*, consequentially established every mutual Term and Condition of it. So that now if the Reader should ask, “ Where this Charter, or Treaty of Convention for the Union of the two Societies, on the Terms here delivered, is to be met with,” we are enabled to answer him. We say, it may be found in the same *Archive* with the famous ORIGINAL COMPACT between Magistrate and People, so much insisted on, in Vindication of the common Rights of Subjects. Now when a Sight of this Compact is required of the Defenders of Civil Liberty, they hold it sufficient to say, that it is enough for all the Purposes of Fact and Right, that such Original Compact is the only legitimate Foundation of Civil Society ; That if there were no such Thing formally executed, there was virtually ; That all Differences between Magistrate and People ought to be regulated on the Supposition of such a Compact ; and all Government re-

I

duced

C. 3. *Of an ESTABLISHED CHURCH.* 167

duced to the Principles therein laid down; for that the Happiness of which Civil Society is productive, can only be attained by it, when formed on those Principles. Now, something like this, we say of our ALLIANCE BETWEEN CHURCH AND STATE. But we say more, for

C H A P. IV.

That the Christian Religion is, of all other, best fitted for such an Alliance with the State as may be most productive of their mutual Advantage: And that our own is the most perfect of all Christian Establishments.

WE have been the fuller in this Account, in order to shew our Adversaries, how unreasonable, and even impolitic they are, when, in their ill Humour with *Establishments*, they chuse to pick a Quarrel with *their own*; where the national Religion is on a Footing exactly agreeable to the Nature of a *free Convention between Church and State*, on the Principles of the Laws of Nature and Nations. A Felicity, they should have known, that scarce any other People on the Face of the Earth can boast of: For let them look around, and tell us,

if they can find another Place where the State doth not incroach on the Church ; or, what is indeed much the commoner, the Church on the State. In *England alone*, the Original Terms of this Convention are kept up to so exactly, that this Account of *the Alliance between Church and State*, seems rather a Copy of the Church and State of *England*, than a Theory, as indeed it was, formed solely on the Contemplation of Nature, and the unvariable Reason of Things : which had no further regard to our particular Establishment, than as some Part of it tended to illustrate these abstract Reasonings. So that, fortunately for the Motive I had in writing, our Adversaries are cut off from all Subterfuge. For they can neither condemn this Theory as a visionary *Utopia* ; nor approve it as reasonable and fit for Practice, and yet think themselves at Liberty to carry on their Opposition against their own Country Establishment : Because these *two* prove to be one and the same. If in a few minute Things they disagree, those Variations will perhaps, by some, be ascribed to the Irregularities of an excellent Model, which the Misfortunes of *Edward VI's* Reign prevented from being carried to Perfection. For
then

C. 4. Of an ESTABLISHED CHURCH. 169

then it was that this Alliance between the *Protestant Church of England* and the State, was made ; on the natural Dissolution of the Alliance, between the *Popish Church* and it. When, had not the Hypocrisy of some complying Churchmen ; the domestic Quarrels in the Administration ; and the immature Death of that hopeful Prince intervened, we might have expected, they will say, the completest Scheme of an *Alliance* that human Policy and pure Religion could have produced. Nor have the succeeding Ages been remiss or negligent, as fit Opportunities offered, to remedy those Irregularities. Of this Honour, no small Share is due to the *Clergy* ; so false are the Calumnies of their Enemies, that *they are always backward in Reformati*ons. For it was the *Clergy* that, in the Reign of *Charles the Second*, freely gave up to the Legislature their ancient Practice of taxing themselves. In which they acted with the greatest Justice as well as Generosity. For the Custom of taxing themselves arose from the Claim of their Revenues by divine Right : Whereas these being, indeed, the State's Donation at the Time of the Alliance, the State had a Right to Tax them as it did its *Lay-
Fees*^f.

Fees^f. However this be, as there have been many and long, and, as it would seem hitherto,

^f Quoad redditus qui vulgo spirituales dicuntur, magna Ecclesiarum pars, cum decimis & oblationibus, Laicis in feudum datæ fuerant a Pippino, Carolo Magno, & Ludovico Pio, cum consensu Ecclesiæ Gallicanæ; quæ deinde Ecclesiasticis viris concessæ sunt ex permisso regum. Itaque Principes non destituti sunt ratione ut contendant servitia & debita feudorum in hujuscemodi redditibus imposita, extincta non esse vi consensus regii adhibiti liberalitati laicorum erga ecclesias, qui ea ad ipsas transtulerunt.—Legitimum & æquum est, quod Feuda ad Ecclesiam pertinentia iisdem Legibus subjecta sunt, quibus cætera tenentur.—Permissus est deinde principibus usufructus reddituum ecclesiæ vacantis, contra quam priscae regulæ statuerunt. Si quis vero inquiret in causas tam magnæ immutationis, is reperiet eam esse profectam ex immutatione quæ facta est in conditione & qualitate bonorum ab Ecclesia possessorum. Quemadmodum enim in Republica quoddam bonorum genus extat quod vulgo *feudum* vocant. Incognitum Romano juri, ideoque novis constitutionibus & antiquarum legum dispositioni contrariis inductum, sic, cum Ecclesiæ regum beneficio donatæ fuissent bonis hujuscemodi, necessarium prorsus fuit, ut illæ possiderent Feuda iis conditionibus quas in prima feudorum origine invexit publica utilitas. Ergo personæ Ecclesiasticæ quæ feuda possidebant, per consequentiam fiebant Vassalli regum, illisque præstare tenebantur homagium & juramentum fidelitatis, itemque certum militum numerum juxta valorem feudorum. Unde sequitur necessario regem post obitum Episcopi quod eo casu feudum vacet, illud ad se recipere posse ac retinere

C. 4. Of an ESTABLISHED CHURCH. 171

hitherto, fruitless Debates, concerning *Tythes*, *Bishops Seats in Parliament*, *Spiritual Courts*, *Convocations*, and *Supremacy*, in which Men have run into the most contrary Conclusions, I judged it not amiss to draw out *Corollaries* concerning each of them, that may possibly contribute something towards the putting an End to these ill-founded Controversies.

SUCH then is the uncommon Excellence of our happy Constitution: And, struck with the Beauty of so just and generous a Plan of Power, a late noble Writer, who regarded it no otherwise than as it concerned the State, thus forcibly expresses himself. —“ Some Men there are, the PESTS OF
“ SOCIETY I think them, who pretend a
“ great Regard to Religion in general, but
“ who take every Opportunity of declaim-
“ ing publickly against that *System of Reli-*
“ *gion*, or, at least, against that CHURCH
“ ESTABLISHMENT which is received in

retinere, donec novus Episcopus investituram feudi receperit, homagiumque ac juramentum fidelitatis præstiterit. Interim tamen regi competit jus quoddam fruendi redditibus, dum custodia durat. *Marca, L. viii. c. 19, 22.*
F. T.

“ *Britain* ”

“ *Britain* ” In Truth, this is bearing hard on our new Guardians of Liberty ; who, when they have generously taken up an Office they were not called to, and asked nothing for it but the modest Title of FREE-THINKERS, are to be called *Pests of Society* by the Politician ; and branded with the odious Name of *Infidel* by the Clergy. However the Author above quoted cannot deny but that *they pretend a great Regard to Religion in general* : And this Justice is due to them, that they are no Enemies to the Name : For that, I suppose, he means by *Religion in general*. *Ideal Christianity* they could well away with : *Real Christianity* somewhat offends them. It does more so under the Form of a *Society* : But most of all when that Society becomes *Established*. They could be well content to accept it under the fashionable Notion of a divine *Philosophy in the Mind* ; especially if that Philosophy was to be received in England on the Footing which Tully tells us the Greek Philosophy was received in Rome ; DISPUTANDI CAUSA, NON ITA VIVENDI ^h. But to take it for Service, and with the Magistrate’s Stamp to make it current, revolts these great and

^z Differt. on Parties, p. 148.

^h Orat. pro Mur.

free

C. 4. *Of an ESTABLISHED CHURCH.* 173

free Spirits. So that, even to those engaged in the Cause of a Ministry, or intrusted in the Service of a Church, they must speak their Mind against so intolerable a Grievance. However a *Religion*, blessed be God, we yet have ; and even an *Established* one. It enjoys this Advantage for the Service it does the State ; and that it may no longer be envied its Privileges, we shall now beg leave to shew, that the Christian, of all Religious Societies, is the best fitted to assist the Civil Magistrate, who is the Minister of God unto us for good.

I. ITS superior Excellence in this Service, above the *ancient Pagan Religion of Greece and Rome*, is seen in its being infinitely better fitted than *that* to fall into a firm and lasting Society. It is to be observed, that Unity in the Object of Faith, and Agreement to a Formulary of dogmatic Theology, as the Terms of Communion, is the great Foundation and Bond of a Religious Society. Now, in all the Pagan Religions, there was only Conformity in national Ceremonies ; there being no room for the Object of Faith, or a Formulary of dogmatic Theology ; for as to Matters of Belief and Opinion,

174 *Of an ESTABLISHED CHURCH.* B. II.
nion, it was not judged of Moment to determine whether their Gods were real Persons, or only the Symbols of natural Powers. Nor did their *Mysteries* consist so much in abstruse Points of Speculation, as in secret Practices. Hence it happened, that these Societies, being without their true Foundation and Support, were, when they became *established*, soon lost and absorbed in the State; or, at least, reduced into the lowest Condition of Slavery and Dependence on itⁱ.

II. As Christianity was superior to Pagan Religion, in its *Capacity* for forming a Society: So it is superior to *pure natural Religion*, in being actually formed into one, by *divine Institution*; which, natural Religion is, only by *human*. Was there no other Evidence that Christianity composed a Society of *divine* Appointment than this, that the Government of the Faithful is called the KINGDOM of *Christ*, this alone would be sufficient to satisfy all who know the general Meaning of the Word, and the peculiar Use of it in the

See *The Divine Legation of Moses*, B. II. Sect. 1. and Sect. 5. *sub fin.*

Jewish

C. 4. Of an ESTABLISHED CHURCH. 175

Jewish Oeconomy. But when, in Consequence of his Right of KINGSHIP, *Jesus*, and by his Substitution, the *Apostles*, go on to appoint Officers, Degrees of Subordination, and Exercise of Power, one may well wonder at the strength of that Complexion which can stand out against such force of Evidence. But something, you must think, there was, which made it worth their while not to be convinced. They imagined, if they could but persuade us, that Christianity made no Society of *divine* Appointment, it was no Society *at all*; and consequently a *Creature of the State*. This was so flattering a Conclusion, that they may well be excused a little Obstinacy in their Advances to it. But we have shewn, that let the Point of divine Institution be determined how it will, yet *Religion* naturally and necessarily composes a *Society*, sovereign, and independent of the Civil. Very idly therefore were their Pains employed, had they proved what they attempted. But to persist against Evidence and Reason, in support of what can do them no Service, must render them doubly ridiculous.

III. AGAIN, as the *Christian* is superior to *natural* Religion in being a Society by divine Appointment ; so it is superior to the *Jewish*, in being perfectly free ; and independent of the *Civil* ^k. The *Jewish* Religion was, like the *true natural*, which it ratified, essentially fitted to compose a Society : and, like the *Christian*, of which it was the first Rudiment, really *such*, by divine Appointment. But then unlike the latter in this, that it was not left independent of Civil Government, to unite with it, at its Pleasure, on Terms agreed upon ; but was, for great and wise Reasons ^l, instantaneously united to it by God himself. Which also he was pleased to do, not by Way of Alliance, as between two Bodies that were to continue distinct ^m, from whence results an established

* Sunt ab ipso Deo tum Religio tum Imperium ita constituta, ut & vera Religio sine adjuncto sibi imperio, & verum ac legitimum Imperium sine adjuncta sibi vera religione esse possit. *Bossuet, L. v. c. 5. F. T.*

^l See *The Divine Legation of Moses*, B. 4.

^m Veluti in unum coierunt Christiana fides & Regum imperium, nullo partium detrimento, adeo ut regni summo jure nihil per Christianam professionem decesserit—Conjunctæ quidem fuerunt in hoc regno duæ illæ potestates, Ecclesiasticæ & civiles, sed sine Confusione personarum & munerum. *Marca, L. ii. c. 1. F. T.*

Religion

C. 4. *Of an ESTABLISHED CHURCH.* 177

Religion of the Nature above explained, but by mutual Conversion into one another, and perfect Incorporation. By which both Church and State, under a distinct Consideration, were lost, and a new Species of Government arose from it that was both and neither. For the State, whose Object is a whole, having here God himself for its Magistrate, and consequently being administered by an extraordinary Providence, carried it's Care to Particulars: And Religion, whose Object are Individuals, having here the Magistrate for God, and consequently religious Worship having a *public Part*, its Care was extended to the whole. Yet this being truly to be reckoned in the *Genus* of those Unions which, we have shewn, Necessity of State made of so universal Practice, we may be allowed to draw an Argument from thence for the Justice of *such* whereby a Church becomes *established*. For if the Advocates of Civil Liberty may, without Sophistry or Superstition^m, bring the Example of God, in the *Horeb Contract*, to justify Men's common Right to erect free Republics; I see no reason why the same,

^m See Alger. Sidney's *Discourses concerning Government*, passim.

Example, in the Union of the *Jewish* Church and State, should not be thought of equal Force to vindicate the Equity of those Unions between the two Societies that are made by Men; and are productive of an *Established Church*.

BUT the Christian Religion was not only *left* independent of the State, by not being united to it like the *Jewish*; (and being so left, it must needs, by the Law of Nature, be independent;) but its Independency was likewise secured by divine Appointment, in in that famous Declaration of its great Founder, MY KINGDOM IS NOT OF THIS WORLD: Which bears this plain and obvious Sense, “ That the *Kingdom of Christ*,
 “ to be extended over *all Mankind*, was not
 “ like the *Kingdom of God*, confined to the
 “ *Jewish People*, where Religion was incorporated with the State; and therefore of
 “ *this World* as well in the Exercise of it,
 “ as in the Rewards and Punishments by
 “ which it was administered: but was
 “ *independent* of all Civil Communities;
 “ and therefore neither of this World as to
 “ the Exercise of it, nor as to the Rewards
 “ and Punishments by which it was administered.”

“nistered.” That this is the true Meaning of this mistaken Text, appears from the Delusion of his Followers, that the *Gospel* was to be administred by the *Mosaic* Oeconomy of the *Law*. But whoever imagines that from *this Independency by Institution* the Church cannot convene and unite with the State, concludes much too fast. We have observed, that this Property, in the *Kingdom of Christ*, was given as a Mark to distinguish it from the *Kingdom of God*. That is, it was given to shew that this Religion extended to all Mankind; and was not confined, like the *Mosaical*, to one only People. Consequently, that very Reason which made it proper for the *Mosaic* Religion to be united, by divine Appointment, to the State, made it fit the *Christian* should be left free and independent. But for what End, if not for this, To be at Liberty to adapt itself to the many various Kinds of Civil Policies, by a suitable Union and Alliance: whereby the famous Prophecy of *Isaiab* might receive its ultimate Completionⁿ: “Thus saith the
 “ Lord God, Behold I will lift up my Hand
 “ to the GENTILES, and set up my Stan-
 “ dard to the *People*—and KINGS SHALL

* See Divine Legation, B. vi. Sect. vi.

“ BE THY NURSING FATHERS, AND
 “ THEIR QUEENS THY NURSING MO-
 “ THERS:” An Alliance, then, we must con-
 clude, the Christian Church was at Liberty to
 make with the State, notwithstanding this de-
 clared Nature of *Christ's Kingdom*. So far is
 indeed true, that it is debarred from enter-
 ing into any Alliance with the State that
 may admit any *Legislator* into *Christ's King-
 dom* but himself: which would, indeed,
make his Kingdom of this World. But, by
 our *Alliance*, no such Power is granted or
 usurped, as we have proved in the *Corollary*
 concerning the *Supremacy*. And therefore
 an established Religion is no Violation of this
 famous Declaration.

SUCH then is the Nature of *Christ's King-
 dom*; It is essentially framed to compose a
 firm and lasting Society; it is made *such* by
 divine Appointment; and, in order to fit it
 for public Service, it is, both by Nature and
 Institution, declared Sovereign, and inde-
 pendent of Civil Government, that it may
 adapt itself by free Alliance, to the various
 Kinds of human Policies. And tho' from
 this its Nature alone, it cannot be proved to

• *Isaiab* xlix. 23.

be

C. 4. Of an ESTABLISHED CHURCH. 181

be of divine Original ; yet so much may be easily shewn, that, had it not *this Nature*, it could not have *that Original*. For if Religion was designed (as no Religionist can doubt) to promote our Happiness here, as well as to procure it hereafter, it will follow, that if that Religion, which pretends to be the last and consummate Revelation of the Will of God to Man, be not a real Society and independent, its Pretences are false, and deceitful : because the greatest temporal Good from Religion is procured by its becoming National ; but National it cannot be but thro' Alliance with the State ; and no reasonable Alliance can be made but between two real and independent Societies.

HENCE may be seen the Folly of those *Sects*, which, under Pretence that Christianity is a spiritual Religion, fancy it cannot have Rites, Ceremonies, public Worship, a Ministry or Ecclesiastical Policy^p : Not re-

^p Bishop Burnet, in his History of Charles II. p. 538. tells us, that *Algern. Sidney's* Notion of Christianity was, *that it was like a divine Philosophy in the Mind, without public Worship or any Thing that looked like a Church.* That an ignorant Monk who had seen no further than his Cell, or a mad Fanatic who had looked beside his

flecting, that, without these, it could never have become NATIONAL; nor consequently have done that Service to the State which, of all Religions, the Christian is most capable of performing.

C H A P. V.

In which an Objection to the fundamental Principles of this Alliance is removed.

HERE, I should have concluded this second Book, but that it appeared reasonable to obviate an Objection, which may seem to affect our fundamental Doctrine, the *Reality* of this *free Convention*. The Objection is this, “ That as the two Socie-Reason, should talk in this manner, is nothing. But that a Man so supremely skilled in the Science of human Nature and Civil Policy, and who knew so well what Religion was able to do for the State, should fall into this Error, is indeed surprising. But the View of those monstrous Abuses which Christianity had done and suffered, in its Application to the State’s Service, thro’ a long Age of Ignorance by a bloody and debauched Clergy, and all for want of being guided by the Principles here laid down, was what struck him with Horror, and inclined him to espouse this strange Novelty; for as *such* the good Bishop represents it: but had he lived till now, he would have found it was become, tho’ under a new Dress, a very fashionable and prevailing Notion.

“ ties

C. 5. *Of an ESTABLISHED CHURCH.* 183

“ ties are supposed to be formed out of
“ one and the same Number of Individu-
“ als, those very Men who compose the
“ State, composing the Church also, it is
“ a Convention of the same Individuals with
“ themselves, under different Capacities.
“ Which Convention is as trifling and inef-
“ fectual as that which one Individual
“ would make with himself.” The Ob-
jection, we see, goes upon this Supposition,
that the Circumstances which prevent one
Individual’s compacting with himself, do
unavoidably attend a Compact attempted to be
made by many Individuals with themselves,
under the Distinction of two Societies.

IF therefore we can prove the Supposition
groundless, the Objection is overthrown.
However, we shall do more: We shall not
only shew our *free Convention* to have none
of the Circumstances attending it which pre-
vent *one* Individual’s compacting with him-
self; but, that it hath all the Circumstances
that make a Compact binding between *two*.

LET us see what it is which prevents a
Man’s contracting with himself. It is of
the Essence of all Contracts that there be,

1. The Concurrence of two Wills; and, 2. A mutual Obligation on two Persons for the Performance of their mutual Promises. But one Man having but one *Will*, there is no *Foundation* for a Compact, which requires the Concurrence of two Wills: And having but one *Person* there is no *Efficacy* in the Compact; because no Obligation: For what a Man promises to himself, himself can acquit. Therefore an Obligation, which the obliged can destroy by the sole Act of his *Will*, is no reality. Hence it appears that a Man's contracting with himself is, of all Fancies, the most absurd.

THUS, we see, the Defect of that *Compact*, of one *Individual with himself*, proceeds from the Want of two *Wills* and *Persons*. If then, two Societies have really two distinct *Wills*, and two distinct *Personalities*; the Subject Matter, of which these two artificial Bodies are composed, being one and the same, cannot possibly hinder those two Societies from entering into Compact; nor that Compact from having all the Effects of such as are adjudged most real.

THAT two such Societies have two distinct *Wills* and *Personalities* I shall shew.
When

C. 5. Of an ESTABLISHED CHURCH. 185

When any Number of Men form themselves into a Society, whether Civil or Religious, that Society becomes a *Body*, different from *what* the Number of Individuals made before the Society was formed. Else the Society would be nothing; or, in other Words, no Society would be formed. Here then is a *Body* distinct from what was made by the Number of Individuals: And is called *factitious* to difference it from the *natural Body*; being, indeed, the *Creature of human Will*. But a *Body* must have its *proper Personality and Will*, which, without *these*, is a Name, or Shadow. This Personality and Will, are neither the Personality and Will of one Individual, nor of all together. Not of one, is self evident. Not of *all*, because the MAJORITY, in this *factitious Body*, hath the Denomination of the *Person* and of the *Will* of the Society. We conclude then, that the *Will* and *Personality* of a Community are as different and distinct from the Will and Personality of the Individuals, of which it is composed, as the *Body* itself is. And, that as in the Erection of a Community, a *factitious Body* was created, so were a *factitious Personality and Will*. The reality of this *Personality* is clearly seen in the Administration
of

of the *Law of Nations*, where two States are, in all respects, considered as two Men living in the in State of Nature.

BUT the Force of this Reasoning will be better seen and supported by an Example. The Writers of the Law of Nature and Nations allow that the *second Convention*, as it is called, in a pure Democratic State is as real and binding as the same Convention in a State of any other Form. The *second Convention* is that whereby Protection and Allegiance are mutually promised by Sovereign and People : So that here the People contract with themselves. And yet is the Contract adjudged most real. This Conclusion is founded on the very Principle I lay down to prove the Reality of the Convention between Church and State ; namely that, in entering into Society, a *fæctitious moral Person* is created. In a Democracy, this Person, which is the Sovereign, is the *Whole* : And, with this Person, the natural Persons of all the Individuals convene.

If this be the Case, then it follows that this self same Number of Individuals, which have formed and erected, of themselves, one
Society

C. 5. Of an ESTABLISHED CHURCH. 187

Society or *factitious Body*, endowed with a distinct *Personality and Will*, may erect, of themselves, as *many such Societies* as they please. Because the Body, Personality, and Will, of such Societies being all factitious, the Store-house, from whence they come, is as inexhaustible as the Wants of Mankind are. Whereas, were the Will and Personality of the Individuals, the Will and Personality of the Society composed by them, then, on the contrary, the self same Number of Individuals could not erect above *one Society*: Because their Personality and Will being already bestowed upon one Society, they had them not to give again, in order to animate any other.

HERE then we have two Societies, made up of one and the same Number of Individuals, with each its distinct Personality and Will; each different from those of the other, and from *those* of the Individuals. But the different *Natures* of the Societies not only make their Wills and Personalities distinct, but their different *Ends* will keep them so. For each Society being created for one certain End, it hath its own proper Views and Interests: And tho' each be so closely

closely related to the other as to have one common *Suppositum*, yet it pursues its proper Interests only; without further Regard to the Interests of the other, than as *those* support its own. In this, the *artificial* Man, Society, is much unlike the *natural*; who being created for *several Ends* hath several Interests and Relations; and may therefore be considered *under several Capacities*, as a *Religious*, a *Civil*, a *Rational* Animal, &c. And yet they all make but one and the same Man. But one and the same political Society cannot be considered, in one View, as a Religious; in another, as a Civil; and, in another, as a Literary Community. *One* Society can be precisely *but one* of these Communities^a.

BUT, now it is to be observed, that, let this Objection to a real Convention, from the

^a Ecclesiastica potestas seu respublica Christiana, quæ sub nomine Ecclesiæ sæpe explicatur, eam significat Clericorum & Laïcorum collectionem, qui in unum corpus adunati, ecclesiasticis Legibus se subjiciunt: non quidem quatenus homines civilem rempublicam componentes, sed quatenus in spiritualem coetum admissi. Eadem ratione civis respublica dici potest, quæ vel ex infidelibus principibus & rebuspublicis constat, vel quæ ex Christianis hominibus quidem, sed nullo ad religionem respectu habito, componitur. *Marca* l. ii. c. i. F. T.

C. 5. *Of an ESTABLISHED CHURCH.* 189

want of distinct Personalities and Wills in the two Societies, be as strong as we have shewn it to be weak, yet it reaches only to those two Societies under a pure unmixed democratic Form; in which the Sovereignty of the Society resides in the whole Number of the Individuals. When both, or either is under any other Form, the Objection hath no weight. Because then the Sovereignty of, at least, one of the Societies resides not in the Whole, but in Part only of the Body aggregate. And all Conventions between Societies being made between the Sovereignities thereof, these Sovereignities must needs have two Personalities and Wills, as being composed, not of the same, but of different Individuals. But few or no Religious or Civil Societies being under this pure unmixed Democratic Form, the Objection is not directed against any actual Union between the two Societies. However having all along, for the sake of Clearness and Brevity, considered the two Societies under this simple and primitive Democratic Form, I thought it proper to remove an Objection which lay against that Form, tho' it lay against that only.

THE Conclusion from the whole is, that two Societies, composed of one and the same Number of Individuals, in which the Personalities and Wills not only *are*, but *must* necessarily continue and be kept distinct, are proper Subjects for Compact and Convention with one another ; there being no Circumstance, either commodious or necessary, for the making any Kind of Civil Compacts binding, which is not to be found in these. I will only add, that as the Administration of both Societies can never be in the same Hands at once, those *Personalities and Wills*, which *are*, and are *kept up*, distinct, will be easily understood to be so.

1. BUT here we must not forget to observe, that tho' it be proved, we presume, unanswerably, that two Political Societies, composed of the same Individuals, may enter into as firm a Convention as can be made by two Individual Men ; yet that the Reality of this Theory, as to all its Consequences of mutual Grants, Privileges, and Concessions above deduced, doth not depend upon this Reasoning. For the Truth is, an *Union between Church and State* is founded

on

C. 5. *Of an ESTABLISHED CHURCH.* 191
on such solid Principles of Nature, that was there, as we suppose there is not, any metaphysical Defect in the Wills and Personalities of two such Societies, so as to render them unfit for entering into a Civil Convention, yet that would no more affect the Certainty of the Conclusions we have drawn from it, than the physical Defects in the Definitions of a Point, a Line, and a Superficies, do affect the Truth of the Theorems which *Euclid* erected on those Definitions.

2. THE second Observation we shall make is, that tho' there was not only this *metaphysical Defect*, but a total Want of distinct Persons and Wills, so that there could be *no Contract* ; yet *all the Effects* which, we have shewn, do follow an Union *by Contract*, would follow an Union *without Contract*. For the Church being a real Society (no Argument concluding against that Reality which doth not hold equally against the State) must needs have her *distinct Rights* : but those Reasons which shew she had these before Union, prove she must have them in Union. Now all the mutual Rights, which, we have shewn, a Church and State possess in Union, are Rights *peculiar* to them *as Societies* :

cieties : And not being *arbitrary* Concessions, but *necessary* Deductions from the Natures of two such Societies united, there was no need of formal Compact to confer them.



B O O K III.

Of a TEST-LAW.

C H A P. I.

Of the Origin and Use of a Test-Law.

O MAGNA vis veritatis, quæ contra Hominum ingenia, calliditatem, sollicitiam, contraque fictas omnium infidias, facile se, per se, ipsa defendat^a !” Thus breaks out the illustrious Roman Orator, carried away with a Fit of philosophical Enthusiasm. This *Force of Truth* never shone with greater Lustre than on the present Occasion : Where by the Assistance of a few plain and simple Principles, taken from the Nature of Man, and the Ends of Political Society, we have cleared up a Chaos of Controversy ; proved the Justice and Necessity of an ALLIANCE BETWEEN CHURCH AND STATE ; deduced

^a Cicer. Orat. pro Cœlio.

the mutual Conditions on which it was formed ; and shewn them to have an amazing Agreement with our own happy Establishment. What remains is to vindicate the Equity of what our Constitution calls a TEST-LAW ; which we are now enabled to do on the *very Principles of our Adversaries themselves.*

THE Necessity of a NATIONAL RELIGION was, till of late, one of the most uncontested Principles in Politics. The Practice of all Nations and the Opinions of all Writers concurred to give it Credit. To collect what the best and wisest Authors of Antiquity, where the Consent was universal, have said in favour of a *National Religion*, would be endless. We shall content ourselves with the Opinion of two modern Writers in its favour : who, being professed Advocates for the common Rights of Mankind, will, we suppose, have a favourable hearing. “ This (says one of them) “ was ancient Policy [*viz.* the Union of the Civil and Religious Interests] “ and hence it is necessary that “ the People should have a public leading in Religion. For to deny the Magistrate a Worship, or take away a NATIONAL

AL

“AL CHURCH, is as mere Enthusiasm as
 “the Notion which sets up Persecution^b.”
 “Toward keeping Mankind in Order (says
 “the other) it is necessary there should be
 “some Religion professed and even ESTA-
 “BLISHED^c.” Indeed not many, even now,
 will *directly* deny this *Necessity*; tho’, by
 employing such Arguments against a *Test*
 as hold equally against an *Establishment*, they
 open a Way, tho’ a little more oblique, to
 this Conclusion. But it is that unavoidable
 Consequence of an *Established Church*, in
 every Place where there are Diversities of
 Religions, a TEST-LAW, which makes the
 Judgments of so many revolt; and chuse
 rather to give up an *Establishment* than re-
 ceive it with this tyrannical Attendant. Tho’
 it appears, at first View, so evident that,
 when a Church and State are in Union, he
 that cannot give Security for his Behaviour
 to *both*, may with as much Reason be de-
 prived of some Civil Advantages, as he, who,
 before the Union, could not give Security
 to the State alone.

^b Shaftsbury’s Characteristicks, Vol. i. Tr. i. § 2.

^c Wollaston’s Relig. of Nature Delin. p. 124.

THE Matter, therefore, of greatest Concern remains to be enquired into; namely, how the Equity of a *Test-Law* can be deduced from those Principles of the Law of Nature and Nations, by which we have so clearly proved the Justice of an *Established Religion*. But here, as before in the Case of an *Establishment*, it is not our Purpose to defend this or that national Form or Mode, but a TEST-LAW in general. By which I understand *some sufficient Proof or Evidence required from those admitted into the Administration of public Affairs, of their being Members of the Religion established by Law*.

AND, in shewing the Justice, Equity, and Necessity of a *Test-Law*, I shall proceed in the Manner I set out, and have hitherto preserved, of deducing all my Conclusions, in a continued Chain of reasoning, from the simple Principles at first laid down.

HITHERTO I have considered that Alliance, between Church and State, which produces an *Establishment*, only under its more simple Form, *i. e.* where there is but *one Religion* in the State. But it may so
I happen

happen, that, either at the Time of Convention, or afterwards, there may be *more than one*.

I. IF there be more than one at the Time of Convention, the State allies it self with the *largest* of those Religious Societies. It is *fit* the State should do so, because the larger the Religious Society is, where there is an Equality in other Points, the better enabled it will be to answer the Ends of an *Alliance*; as having the greatest Number under its Influence. It is *scarce possible* it should do otherwise; because the two Societies being composed of the same Individuals, the greatly prevailing Religion must have a Majority of its Members in the Assemblies of State; who will naturally prefer their own Religion to any other.

WITH this Religion is the Alliance made; and a full TOLERATION given to the rest: Yet under the Restriction of a TEST-LAW, to keep them from hurting that which is established.

FROM this Account of the Origin of a *Test-Law* may be deduced the following

COROLLARIES concerning an *Eſtabliſhment*.
For,

1. FROM hence may be ſeen the Reaſon why the *Episcopal* is the *Eſtabliſhed* Church, in *England*; and the *Preſbyterian*, the *Eſtabliſhed* Church in *Scotland*; and the Equity of that Conversion, which our Adverſaries have repreſented to be ſo egregious an Abſurdity, in Point of Right, as is ſufficient to diſcredit the Reaſon of all *Eſtabliſhments*.

2. HENCE we may ſee too the Reaſon of what we before obſerved, concerning the Duration of this *Alliance*: That it is *perpetual*, but not *irrevocable*, *i. e.* It ſubſiſts juſt ſo long as the Church, thereby *Eſtabliſhed*, maintains its Superiority of Extent: Which when it loſes to any conſiderable Degree, the Alliance becomes void. For the united Church being then no longer able to perform its Part of the Convention, which is formed on reciprocal Conditions, the State becomes diſengaged. And a *new Alliance* is, of courſe, contracted with the now prevailing Church, for the Reaſons which made the *Old*. Thus, formerly, the Alliance between the *Pagan Church* and the Empire of *Rome* was diſſolved; and the *Chriſtian* eſta-
bliſhed,

blished, in its Place : And, of late, the Alliance between the *Pöpish Church* and the Kingdom of *England* was broken ; and another made with the *Protestant*, in its stead.

II. IF these different Religions spring up *after* the Alliance hath been formed ; then, whenever they become considerable, a *Test-Law* is necessary, for the Security of the *Established Church*. For amongst Diversities of Religions, where every one thinks itself the *only true*, or, at least, the *most pure*, every one aims at rising on the Ruins of the rest^d: which it calls, *bringing into Conformity* with itself. The Means of doing this when Reason fails, which is rarely at hand, and more rarely heard when it is, will be by getting into the public Administration, and applying the Civil Power to the Work. But, when one of these Religions is the *Established*, and the rest under a *Toleration*, then Envy at the Advantages of an *Establishment*

^a See an Historical Narration of the Conduct of the early *Puritans* to make their Discipline National in spite of the Civil Magistrate, in a curious Account printed 1593, and intitled, *Dangerous Positions and Proceedings published and practised within this Island of Brittain, under pretence of Reformation and for the Presbiterial Discipline.*

will join the *Tolerated* Churches in confederacy against it, and unite them in one common attack to disturb its Quiet. In this imminent Danger, the *Allied* Church calls upon the State, for the Performance of its Contract ; which thereupon gives her a TEST-LAW for her Security : whereby the Entrance into the Administration (the only way, the threatened Mischief is effected) is shut to all but Members of the established Church. So when the *Seētaries*, in the Time of *Charles* the First, had, for want of *this Law*, subverted the *Church of England* ; as soon as the Government was restored and replaced on its old Foundations, the Legislature thought fit to make a *Test-Law*, (tho' with the latest, and, what was worse, with the narrowest Views) to prevent a Repetition of the like Disasters.

THUS a TEST-LAW took its Birth ; whether *at*, or *after* the Time of Alliance, And from this Moment the Justice and Equity of an ESTABLISHED CHURCH began to be called in question. It will be therefore proper, in the next Place, to shew that the State is under the highest Obligations to provide the Church with this Security.

C H A P.

C H A P. II.

Of the Necessity and Equity of a Test-Law.

WE have now proved the Equity and Necessity of the *Alliance between Church and State* ; and have therefore a right to use it as a *Principle*, in our further Inquiry.

I.

I. By this *Alliance*, the State promised to protect the Church, and to secure it from the Injuries and Insults of it's Enemies. An Attempt, in the Members of any other Church, to get into the Administration, in order to deprive the Established Church of the covenanted Rights which it enjoys, either by sharing those Advantages with it, or by drawing them from it, is highly injurious. And we have shewn, that where there are Diversities of Religions, this Attempt will be always making : The State then must defeat that Attempt : But there is no other Way of doing it, than by hindering its Enemies from entering into the Administration : But they can be hindered only by a *Test-Law*.

II. A-

II. AGAIN, this Promise of Protection is of such a Nature as is, by no Pretence, to be dispensed with. For, Protection was not only a Condition of Alliance, but, on the Church's Part, the *sole* Condition of it. We have shewn, that all other Benefits and Advantages are *foreign* to a Church, *as such*, and *improper* for it. Now the not performing the *sole Condition* of a Convention virtually destroys and dissolves it : Especially if we consider that this *sole Condition* is both *necessary* and *just* : *Necessary*, as a free Convention must have *mutual* Conditions ; and, but for *this*, one Side would be without any : *Just*, as the Convention itself is founded on the Laws of Nature and Nations ; and *this* the only Condition which suits the Nature of a Church to claim.

III. BUT again, the Church, in order to enable the State to perform this *sole Condition* of Protection, consented to the giving up its Supremacy, and Independency, to the Civil Sovereign. Whence it follows, that whenever the Enemies of the Established Church get into the Magistrature, to which, as we said, the Supremacy of the Church is transferred by the Alliance, she becomes a
Prey

Prey, and lies entirely at their Mercy: Being now, by the Loss of her Supremacy, in no Condition for Defence, as she was in her natural State, unprotected and independent. So that the not securing her by a *Test-Law* is betraying, and delivering her up bound to her Enemies.

THUS we have shewn the Obligation the State lies under, from Compact, of providing a Test-Law for the Security of the Established Church: And, by enforcing this Obligation, from the last Motive, we have obviated the only plausible Objection that could be made to our Account of this *Condition of Protection*: Which is, That if an Union between Church and State be, as we have represented it, so necessary for the well being of Civil Society, how happened it, that that universal Charity to Mankind, which is the Characteristic of true Religion, could not engage the Church to enter into Union, without standing upon Terms of Advantage to itself: Especially such as necessarily introduce a Test-Law, so full of Inconvenience to the Subject?

THIS Objection, tho', as we say, already obviated, shall be now considered more particularly.

ticularly. 1. We say, that Religion constituting a Political Society, and it being of the Nature of Political Society to seek Support from Alliances, the Church was in a proper and reasonable Pursuit, when it aimed at its own Advantage in this Convention. 2. We say, that as Man, when he entered into Civil Society, necessarily parted with some of his natural Rights, so the Church, when it entered into Alliance with the State, did the same. The Right, she parted with, was her Independency; which she transferred to the Civil Sovereign: For no Alliance can be made between two such independent Societies, till *one* hath given up its Independency to the other; and this, the Law of Nations directs, shall be the less powerful Society: Which, in the present Case, is the Church. Now, as Man received an Equivalent for the natural Rights he gave up; so, in all reason, should the Church. 3. But lastly, we say, the Church could not enter into Alliance, and not stipulate for this Condition, without concurring to its own Destruction. We have shewn just before, that the Dependency of the Church on the State necessarily follows an Alliance; and, in the preceding Paragraph, that, where a Church, in
this

this Condition, hath Enemies in the Magistrature, and without Means of Defence in herself, she must expect the most fatal Consequences. Now the great Law of Self-preservation obliges her to provide against them. But no other Provision can be made than engaging the Protection of the State. Therefore we conclude, that the Church's stipulating for that Protection was not only what she in Justice *might*, but what in Duty she was *obliged* to do.

HERE we might have concluded our Inquiry; having, in a continued Chain of Reasoning, drawn from the most simple Principles, explained the Original and Nature of Civil and Religious Society; and, from thence, deduced our main Conclusions, THE NECESSITY OF AN ESTABLISHED CHURCH, and THE JUSTICE AND EQUITY OF A TEST-LAW.

BUT, that nothing may be wanting to put so important a Matter out of Controversy,

II.

WE proceed, in the next Place; to shew, that had no Promise of Protection been made,
yet

yet the State would have lain under the most indispensable Necessity of providing a *Test-Law* for its own Security.

IT hath been observed, that wherever there are Diversities of Religion, each Sect, believing its own the true, strives to advance itself on the Ruins of the rest. If this doth not succeed by dint of Argument, these Partisans are very apt to have recourse to the coercive Power of the State: which is done by introducing a Party into the public Administration. And they have always had Art enough to make the State believe, that its Interests were much concerned in the Success of their religious Quarrels. What Persecutions, Rebellions, Revolutions, Loss of Civil and Religious Liberty, these intestine Struggles between Sects have occasioned, is well known to such as are acquainted with the History of Mankind.

To prevent these Mischiefs was, as we have shewn, one great Motive for the State's seeking Alliance with the Church. For the obvious Remedy was the *Establishing* one Church, and giving a *free Toleration* to the rest. But if, in administering this Cure, the

the State should stop short, and not proceed to exclude the tolerated Religions from entering into the public Administration, such imperfect Application of the Remedy would infinitely heighten the Distemper. For, before the *Alliance*, it was only a mistaken Aim in propagating Truth that occasioned these Disorders: But now, the Zeal for Opinions would be out of Measure inflamed by Envy and Emulation; which the temporal Advantages, enjoyed by the Established Church, exclusive of the rest, will always occasion. And what Mischiefs this would produce, had every Sect a free Entry into the Administration, the Reader may easily conceive: But he who cannot, may see a lively Image of them in two Tracts composed by a great Wit in Defence of the *Irish Test*; and particularly in that fine Discourse above referred to, intitled a *Vindication of the Corporation and Test-Acts*.

Now this being the inevitable Fate of every Government where Religion is established, with Diversity of Sects, and without a Test-Law; and an Established Religion being proved indispensably necessary to Society; we must conclude, that the
State

State has the most pressing Reasons to provide a Test-Law, as well for its own Security, as for the Discharge of its Contract with the Church.

IF it be said, That would Men content themselves, as in reason they should, with enjoying their own Opinions, without obtruding them upon others, these Evils, which require the Remedy of a *Test-Law*, would never happen. This is very true: And so would Men but observe the Rule of Right in general, there would be no need to have Recourse to Civil Society to rectify the Abuse.

CHAP. III.

In which the Objections to the Equity and Expediency of a Test-Law are considered.

HAVING gone thus far, the Argument leads us to give some good Account of the principal *Objections* against the Equity of a *Test-Law*: The Way being now cleared to a ready and satisfactory Answer.

I. THE first *Objection*, the Sheet-Anchor of the Cause, is this, “ That every quali-
“ fied

“fied Subject having a Right to a Share of the
“Honours and Profits in the Disposal of the
“Magistrate, the debaring him from those
“Advantages, for Matters of Opinion, is
“a Violation of the common Rights of
“Subjects.” This goes directly to the
Essentials; and attacks the very JUSTICE
and EQUITY of a Test-Law: The other
Objections being only against the Use and
Expediency of it.

IF therefore we shew, that our Adversaries have here taken for granted a Thing, which, tho’ by reason of mistaken Notions of Government, was never in Dispute, is yet utterly false; we shall quite overthrow all that ostentatious Declamation by which they have endeavoured to discredit a *Test-Law*. We say, then, that this pretended *Right of every qualified Subject to a Share of the Honours and Profits in the Disposal of the Magistrate* is altogether groundless and visionary.

LET it be remembred, that, in the third Chapter of the first Book, we have shewn at large, that REWARD IS NOT ONE OF THE SANCTIONS OF CIVIL SOCIETY:

P

The

The only Claim which Subjects have on the Magistrate, for *Obedience*, being *Protection*.

Now the Consequence of this is, that all Places of Honour and Profit, in the Magistrate's Disposal, are not there in the Nature of a *Trust*; to be claimed, and equally shared by the Subject: But of the Nature of a *Prerogative*; which he may dispose of at Pleasure, without being further accountable than for the having such Places capably supplied.

ALL Right of Claim then being absolutely at an End; and consequently, all Injustice in excluding at Pleasure; we might here finish our Discourse, having taken from our Enemies the great *Palladium* of their Cause.

BUT secondly, if we would suppose, what is absolutely false, that the Subject had a *Right*; yet still we shall find it to be a *Right unclaimable*. For let it be again remembred, that in speaking of moral *Duties*, we observed, they were of two Kinds, of *perfect* and *imperfect* Obligation: And therefore answerable to these, must needs be the *Rights* arising from them. Those which arise from the
the

Duties of perfect Obligation being claimable; and those, from imperfect Obligation, unclaimable. But an equal Dispensation of public Honours and Profits can never be thought other than in the Class of Duties of imperfect Obligation, such as, in private Men, *Gratitude, Hospitality, Charity*; and consequently the Right to them must be *unclaimable*, when abusively with-held.

BUT, to leave nothing unanswered, let us, for a Moment, wave these Advantages; and, for Argument sake, suppose this *common Right of Subjects*; and then the Proposition will come to this,

That to exclude a Citizen from his Civil Rights, for Matters of Opinion, is a Violation of the common Rights of Subjects.

THIS Proposition, we see, is founded on these two others, 1. *That Opinions cannot be punished, because Punishment can be inflicted only for Matters in which the Will is concerned, and the Will is not concerned in Matters of Opinion.* 2. *If Opinions could be punished, they are not within the Civil Magistrate's Jurisdiction; his Care extending only to Bodies.* Now if we make it appear that *these*

give no Support to the *Objection*, we must conclude it to be, even in this Sense, false and groundless.

To the first Proposition we reply, that it is indeed universally true; but not at all to the Purpose: the Disqualification, by a Test-Law, being no Punishment in the true Sense of the Word, which is *that* implied in the Proposition. To the *second* we say, that it is not universally true: For that when Opinions do, directly and necessarily, affect the Peace of Society, they then come within the Magistrate's Jurisdiction; and that this Exception takes Place in the Case before us; the Opinions, which a Test-Law makes Matter of Disqualification, directly and necessarily affecting the Peace of Civil Society.

... I. THE *first* Assertion is thus proved; Evil of all Kinds, and whencesoever proceeding, Man has by Nature a Right to repel. Evil that proceeds not from the Will is called a *Mischief*; and may be simply repelled; and this Repulsion is called *Restraint*: Evil that proceeds from the Will is called a *Crime*; and may, not only, be repelled, but have additional Pain, more than sufficient for the
Restraint,

Restraint, inflicted on the Author; and this Repulsion is properly called *Punishment*. That Punishment should not be inflicted for a Mischief, that is, for an Evil in which the Will is not concerned, is plain from hence; The *End* of that additional Pain, more than is sufficient for Restraint; called Punishment, being for a *Satisfaction to Justice*, for the *Reformation of the Offender*, and for *Example to deter others*; it would be absolutely unjust to inflict *avenging Pain* for what was involuntarily committed: and altogether impertinent to attempt to deter, by *Example*, from involuntary Actions. The utmost therefore that can be inflicted for a *Mischief* is *Restraint*; that is, just so much Pain, when the Mischief proceeds from a rational Agent, as is necessary to repel that Mischief. Thus is *Restraint* properly annexed to *Mischief*; and *Punishment* to *Crimes*.

SUCH distinct and precise *moral Modes*, one would think, it were not very easy to confound. And yet they have been confounded; so as utterly to embarrass all our Reasonings on this Subject. It is true, while they are considered in their Application to irrational and rational Agents, the

Difference is seldom mistaken; but when they are both applied to rational Agents, then it is that Men begin to confound the Ideas, and lose Sight of all these Marks of Distinction. For 1. *Pain* being an inseparable *Idea* in Punishment; and every *Restraint* of a rational Agent having some Degree of Pain attending it; this Idea common to both, led them to think the two Terms in which it was found, were synonymous. 2. *Restraint* of a rational Agent being defined to be an Infliction of *just so much* Pain as is necessary to repel the Evil, and *Punishment* to be an Infliction of *more* than is necessary for that Purpose, Men considered the Difference as only from less to more: And applying *this* to Mischiefs and Crimes set together in Comparison, instead of applying it to Mischiefs compared with Mischiefs, and Crimes with Crimes, even this small Difference was lost and confounded. Because where the Mischief is vastly more obstinate, and difficult to eradicate than the Crime, there the Pain attending the Mischief must be *more* than that attending the Crime. The Use and Solidity of our Distinction may be illustrated by this Example. There are four Sects whose Principles, our
Adver-

Adversaries will not deny, ought to be restrained. The ATHEIST, the ENGLISH PAPIST, the GERMAN ANABAPTIST, and the QUAKER, all hold Opinions pernicious to Civil Society. But these having different Degrees of Malignity must have different Degrees of Restraint. The ATHEIST, who is incapable of giving Security for his Behaviour in Community, and whose Principles directly overthrow the very Foundation on which it is built, should certainly be banished all Civil Government. The ENGLISH PAPIST, who owns an Ecclesiastical Power superior to all temporal Dominion, should not be tolerated in any Sovereign State. The GERMAN ANABAPTIST, who holds capital Punishment to be sinful, should be debarred the Magistracy: And the QUAKER, who believes even defensive War to be unchristian, should be excluded, in States upon the Continent, the common Liberty of residing in frontier Places. Now these different Degrees of Pain do not make one a *Punishment*, and the other, a *Restraint*; but, being every one proportioned to the Malignity of their respective Evils, and no more than what is just necessary to repel them, they are all equally *Restraints only*. But now extend these

Pains and Penalties, to the burning the Atheist; to the banishing the Papist; to the denying Civil Protection to the Anabaptist; and Religious Toleration to the Quaker; and then, notwithstanding the same Diversity of Degrees, they are all *Punishments*, and none *mere Restraints*. Because more Pain, in every Case, is inflicted than was necessary to repel the respective Evils.

WE have only then to shew, that the Pain inflicted by a Test-Law, is no more than just necessary to repel *the Evil of Diversity of Sects in the Administration*: and, consequently, that it is a *Restraint only*. To make this evident, let us suppose a Person able, in one certain Place only, to do Mischief; and that he is disposed to do it: It is plain, there is no other Means of repelling this Evil than by debarring his Entrance into *that* Place. This Means then is necessary: but what is necessary to repel an Evil is a *Restraint only*. But was this Pain extended; and, because he can do Mischief in one Place, he is debarred Entrance into ten, then the Pain becomes a *Punishment*, because more than necessary for repelling the Evil. This is exactly the Case in Hand.

Diver-

Diversity of Sects can do Mischief only by getting into the Administration: Therefore to keep them out, is, for the Reasons above, only a *Restraint*. But was their Civil Incapacity extended further, then it would become a Punishment. By the Test-Law, it is not extended further; therefore it is no Punishment, but a Restraint only.

2. WE come now to our *second* Assertion, and say, that *it doth not hold universally true that the Civil Magistrate bath nothing to do with Opinions*: For that when they directly and necessarily affect the Peace of Civil Society the Coercion of them is in his Jurisdiction: And this even our Adversaries themselves confess. Which would they uniformly hold, we should take on their Words, and proceed. But tho' they allow this Maxim in Speculation, yet they can rarely be brought to see its Justice or Fitness in Practice. Which would tempt one to think, that the evident Mischiefs arising from some Opinions forced this general Confession from them, in Spite of Principle; the Prejudice of which returning in particular Instances, drew them back into their old Conclusion, that Reason and Truth were
violated

violated by the Magistrate's interfering. I will in Charity rather suppose this to be the Case, than that a Spirit of Licentiousness makes them retract in Practice what they own in Speculation; and shall therefore endeavour to convince them that this Coertion, which all Parties agree to be necessary, is likewise reasonable and safe.

NOT at present then to insist on the Argument of its Justice, drawn from its Necessity alone, we say, that the final End of every rational Creature is Happiness: And that the immediate End of such as are destined to two separate States of Existence, is the Happiness of that State in which they are existing. Otherwise the good of the Creature in that Station was not consulted by its Creator. But as this cannot be said, it follows that whatever opposes the Attainment of *that* Happiness must be repelled; otherwise the Purpose of the Creator would be defeated. If this Creature, (as Man) is not only destined to two separate States of Existence, but is composed of two different Natures, one of which is solely adapted to his present Station, then the States must not only be separate, but different; and so, consequently.

sequently, must be the Happiness attendant upon each. But if the Happiness be different, so must the Means of attaining it. Thus the Means of attaining Man's Happiness *here* is Civil Society; the Means of his Happiness *hereafter*, Contemplation. If then Opinions, the Result of Contemplation, obstruct the Efficacy of Civil Society, it follows, that they must be restrained. Accordingly, the ancient Masters of Wisdom, who, from these Considerations, taught, that Man was *born* for *Action*, not for *Contemplation*, universally concurred to establish it as a Maxim founded in the Nature of Things, *that Opinions should always give Way to Civil Peace.*

AGAIN, if God destined Man to two such States of Existence, in each of which the Happiness of the existing State was to be his End, it is demonstrable, and almost self-evident, that he, at the same Time, so disposed Things, that the Means of attaining the Happiness of one State should not cross or obstruct the Means of attaining the Happiness of the other. From whence we must conclude, that where the supposed Means of each, namely, *Opinions* and *Civil Peace*,

do

do clash, there *one* of them is not the true Means of Happiness. But the Means of attaining the Happiness peculiar to that State in which the Man at present exists, being perfectly and infallibly known to Man; and the Means of the Happiness of his future Existence, as far as relates to the Discovery of Truth, but very imperfectly known by him; it necessarily follows, that wherever Opinions do clash with Civil Peace, those Opinions are no Means of future Happiness: Or, in other Words, are either no Truths, or Truths of no Importance.

THUS we have proved, that the Magistrate's Restraint of such Opinions, as are mischievous to Civil Society, is both reasonable and safe. Desiring to be understood, when we speak here of a *rational Creature*, to mean the Species; and when we speak of a *Civil Society*, to mean such as is formed on the Principles of public Liberty and common Rights of Subjects. For to unjust and unnatural Governments, the most momentous Truths will be mischievous and destructive: their End being private, not public Utility. It is never then, but where the Society stands on legitimate Foundations,

ons, that its Peace is to be preferred to Opinions: And there, that Preference will be always reasonable and just^a.

WE shall now shew, that what a *Test-Law* restrains doth directly and necessarily affect the Peace of Civil Society.

WHERE a determinate Principle of some certain Sect is particularly opposed to this or that fundamental Maxim or Usage of Society, the Malignity is confessed on all Hands. Thus, of those Opinions respectively held by the Atheist, Papist, Anabaptist, and Quaker, mentioned above, there are few who see not their pernicious Consequences; or will not own the Restraint of them to be necessary. But where a Religious Principle opposes, not one certain Maxim or Usage, but the general Constitution of Civil Society, the Mischief of it is not so easily seen; and if it opposes not so much the Nature of Civil Society, considered alone, as when in Union with the Church, the Mischief will be less observed:

^a See this further illustrated above, in the Proof of the Proposition, *that Truth and Utility do necessarily coincide.*

But

But and if this be a Principle not peculiar to one Sect, but common to all, the Mischief will be still less understood. This is the Case with Regard to the pernicious Principle which a Test-Law restrains. It being, as we have observed, what sets every Sect on attempting to establish itself on the Ruin of all the rest.

HENCE it is that Men see the Necessity, and seem to applaud the Justice of Restraint, in the first Case; and yet in the other, cry out against the Tyranny of subjecting Sects to Civil Incapacities, which hold no *peculiar* Opinions pernicious to the State. But they seem not to apprehend, that the first is not the only legitimate Reason that may be urged for the Equity of Restraint. For where is the Difference, with Regard to the State, between the Principle's being *peculiar* to one Sect, or *common* to all; between its injuriously affecting one certain Maxim or Usage, or the whole Frame and Composure of a State in Union with a Church; if so be the Restraint be common to all, as well as the Principle? Henceforth then we hope to hear no more of the Injustice of
Civil

Civil Incapacities on a Sect which holds nothing *peculiar* that can injuriously affect the State.

HAVING now overturned the two Propositions upon which this famous Objection stands, it will give us no further Trouble, as leaving us at Liberty to conclude, *That to abridge a Citizen of his Civil Rights for Matters of Opinion, which affect Society, is no Violation of Justice or natural Equity.*

BUT if, after all, our Adversaries will still persist in affirming a *Test* to be contrary to the Law of Nature; we dare undertake to vindicate it, even on that Supposition; as having the universal Practice of Mankind on our Side; who, for the Sake of Civil Society, have ventured, in their municipal Institutions, to deviate from the Law of Nature: and this, with as universal an Approbation.

BUT, to avoid Obscurity, it will be necessary to say, in what Sense we understand the *Law of Nature*. For an illiterate Tribe of Writers have, in this, as in most other Matters, done their best to confound all Ideas, and remove the Marks and Boundaries

ries of Science : while they make the *Law of Nature*, as it respects Man alone, (for that we have only to do with) “ to signify “ what right Reason, taking in all Circumstances, dictates, in every Case, to “ be done.” Thus confounding the *Law of Nature* with *Civil*, and all other Laws. And in this Sense, our Inquiry into the Agreement of a Test with the *Law of Nature*, after a Test hath been proved just and reasonable on the Laws of Society, would be very impertinent. But we, by the LAW OF NATURE, follow that Signification in which it has been used by all the best Writers on *Natural* and *Civil Laws*; and mean, *what Reason prescribes, under the sole Consideration of Men's Nature, and their mutual Relations arising from thence, exclusive of all political or Civil Combinations.* And in this Sense, an Inquiry concerning a *Test-Law's* Conformity to the Law of Nature may be very proper.

WE say then, that it is a Practice as approved as it is universal, for States in Compliance to the Necessities of Society, to form many of their municipal Laws in direct Opposition to the Law of Nature. The
Writings

Writings of the Civil Lawyers are full of these Cases. I shall content myself with one or two. The Case of that *Civil Acquisition* called *PRESCRIPTION* is very famous. This is when a Man, by enjoying for a certain Course of Time, without Opposition, the Property of another, but possessed by him *bona fide*, acquires a full Right in it; in such sort, that the true Proprietor has no longer any Civil Action for the Recovery of it. Now this most Writers agree hath its sole Foundation in the *Civil Law*. The incomparable *Cujacius* says expressly, *That the Law of Prescription directly contradicts the Law of Nature and Nations, because the true Proprietor is dispossessed of his own, without his Consent*^b. And indeed nothing can be more evident. For what I once had, I must ever have a Right to; till I resign, transfer, or forfeit it by a voluntary Act. What then was it that occasioned this general Deviation from

^b Rursus dixerit aliquis, Usucapionem pugnare cum jure gentium, quod ea Dominium invito auferat. Est sane ita: pugnat enim hac in re jus civile cum naturali æquitate, sed tamen hoc fit bono publico. Ait Caius, **BONO PUBLICO USUCAPIO INTRODUCTA EST.** *Comment. in Pandect. Tit. De Usurpationibus & Usucapionibus.*

the Law of Nature but the public Good? It is of the highest Concernment to the State that Particulars be secure in their Possessions without Contest. But there can be no Security, if the natural Proprietor hath at all Times the Liberty of making out his Claim. This would obstruct all Commerce and Intercourse amongst Citizens. For who would lay out for Property, if, for ever after, old Claims might be revived? In a Word, the Law of Prescription is so evidently against the *Law of Nature*, that those who deny this Disagreement are forced to have Recourse to that ridiculous Signification of the *Law of Nature* taken Notice of above. For they say, *Prescription is not against the Law of Nature, because that Law orders, in every Thing, what Reason says (all Circumstances taking in) is fit to be done.* Now which Way soever this Law of Prescription be defended, whether by owning it to be against the Law of Nature, and justifying the Deviation from it by public Utility, or by denying it to be against that Law as here absurdly interpreted, the Defence will serve equally for a *Test-Law*, though we should own it to be equally against the Law of Nature; which we do
not,

not, having largely proved that it is perfectly agreeable to that Law in its true and exact Signification.

I WILL beg leave to give another Instance of this Practice, which is more commonly understood. When Man entered into Society, and *Property*, in Consequence thereof, was throughly regulated and established, several Things were left out in that general Appropriation ; and still continued to become, as in the State of Nature, the Acquisition of the first Occupant. Amongst these were what the Lawyers call *FERÆ NATURÆ*. Yet, for all this, most States have concurred, against the Law of Nature, to enact *GAME LAWS* ; whereby the right of capture is forbid to all but those so specifically qualified. And the Reason of such Laws is evident : It was not at all for the *public Good* to suffer Peasants and Mechanics to run up and down the Woods and Forests armed ; which not only brings them to neglect their proper Trades and Employments, to the Damage of the Public, and of their Families ; but, in time, insensibly draws them on to Robbery and Brigandage : Or to permit the Populace, in Towns and Cities, to have, and

carry *Arms* at their Pleasure ; which would give Birth and Opportunity to Sedition, and Commotions.

IN this Instance we all confess the Justice, and see the Reasonableness of the Deviation from the Law of Nature. How happens it then, that those who own it here, will not own it in a *Test-Law* ? Nothing sure but this, Religion mixes itself in this latter Affair ; and the Jealousies of its Enchroachment, which preposterously increase as its Influence on us abates, will not give us leave to judge impartially. And the Truth is, *Parties* must have a Watchword to carry on their Business. There was a Time, and that not long since past, when the Word was the DANGER OF THE CHURCH. This served tolerably, while it was seen Religion had any Influence ; but since a general Spirit of Licence hath prevailed, it hath been thought necessary to change the Cry ; and we now hear of nothing but the DANGER OF OUR CIVIL LIBERTIES.

HAVING now, as is presumed, entirely overturned this Bulwark of the Cause,

I. BY

1. BY shewing that the Rights pretended to are merely imaginary ;
2. THAT if there be any such, it is no Violation of the Law of Nature, to exclude a Citizen from them, on account of Opinions ;
3. THAT though it be a Violation of that Law, yet still the Exclusion may be well justified on the universal Practice of Society :

Having, I say, done this, we shall dispatch the remaining Objections, which conclude only against the EXPEDIENCY of a Test-Law, in much fewer Words.

II. THE next Objection then is, *That a Test-Law is injurious to true Religion, by encouraging one Set of Opinions, and discouraging the rest ; which is clapping a false Bias on the Mind, which, in its Search after Truth, ought to be left entirely free and disengaged.* But it may be made appear, that a Test is so far from being injurious to true Religion, that it is, in the whole, highly serviceable to it.

LET US I, then examine how the *Discouragement* affects it. Now admitting the *Tolerated Religion* to be the *true*; and that several of its Members, under the Discouragement of a Test-Law, will for the sake of Civil Advantages leave it, and come over to the *Established Religion*; we must yet conclude that, considering the Smallness of the Discouragement, they who leave it on that Account, and knowingly embrace a *false*, must be very profligate and abandoned, Such as must disgrace the true Religion while they continue of it, and otherwise highly prejudice it. Unless it be supposed to be more for the Interests of true Religion to have large Crouds, though of false and unworthy Members, than smaller Numbers of sincere Professors. So that it is seen from hence to be highly for the Interests of true Religion to have such a Touch-Stone, or Criterion, as the *Test*, to discriminate its sincere from its corrupt Adherents. Which, on this Account, can no more be said to be injured by it than Gold is by Fire, when, in trying the *Oar*, it reduces its Bulk, but increases its specifick Value. It is evident then, that this Objection cannot, with any
shew

shew of Reason, be made by a Member of the *Tolerated Religion*.

2. LET us next see how the *Encouragement* affects true Religion. Our Argument now leads us to suppose the *Established* the *true*. On this Supposition, is it not for the Benefit of Mankind in all his Interests, that it should be supported by Civil Power? And can it be supported without a Test? But to wave *that*, at present; it is owned, that as the Essence of Religion arises from the real Impression it makes upon the Mind, the bringing in Members, who make only an outward Profession, is injurious to Religion. However, none have Reason to make this Objection, but the *Established Church*. But considering the *Smallness* of the *Encouragement*, and the Probability of the Conformity's being on Conviction, for the Case supposes the *Established Religion* the *true*, we have no Reason to think this Injury can prove of Moment. But be it as it will, Is it fit so great a Benefit to Civil Society should be lost on account of the Injury it accidentally occasions? It will be Time enough to attend to the Answer when our Adversaries bring us an Instance of any one signal Benefit to Mankind,

in the Improvement of Civil Life; that is not attended with some Inconvenience. Till then, we shall, perhaps, think ourselves at Liberty to support this, though it be not exempt from the common Lot to which all human Things are subject.

BUT, 3. Admit some small casual *Harm* to be thus derived to Religion; it is not only abundantly compensated by those vast Advantages accruing to the State from thence, but likewise infinitely outweighed in the good done to Religion by an *Establishment*, on which a *Test* is built, and from which it necessarily flows. We have shewn, and it cannot be too oft repeated, that the State entered into Alliance with the Church, for the sake of publick Utility; We have proved, and it cannot be too much inculcated, that public Utility and Truth do coincide: Hence it follows, that Falsehood, the Reverse of Truth, must be destructive of public Good: And the Consequence of this is, that the State must, for the sake of public Utility, seek Truth, and avoid Falsehood: At the same time, as she so well knows in *what* public Utility, (which is a sure Rule and Measure of Truth) consists, she will be
much

much better enabled to find out Truth than any speculative Inquirer, with the boasted Aids of Philosophy and the Schools. From all this it appears, that while a State in Union with the Church, hath so great an Interest and Concern with true Religion, and so great a Capacity for discovering what is true; *Religion* is likely to thrive much better than when left to itself: Which we have more fully shewn in treating of the first Motive the State had to seek an Alliance with the Church.

If it should be still urged, that though, indeed, true Religion be not injured by a Test, yet private Men are, as having a *false Bias* clapped upon their Minds, which draws them, by Hopes and Fears, from the *true* to *false* Religion: We reply, that were the Rewards and Discouragements of a Test-Law so great as to make those who complied *not* with their Threats and Invitations uneasy in Civil Life, and, consequently, those who *did*, to fall through mere human Frailty, the Objection would be plausible. But when these Rewards and Discouragements are so small as to tempt only the most profligate and abandoned, little
Injury

Injury is done: For what Pretence can such Men have of a right to be put under cover for every the slightest Temptation?

III. THE third Objection is, *That a Test-Law may endanger Religious Liberty. For if, for the Good of the State, all, but those of the Established Religion, may be kept out of the Administration; then for the same Good, if Reasons of State so require, they may be restrained the Exercise of all but the Established Religion. And a Pretence will not be wanting; for it is certain that Diversities of Sects oft produce the worst Consequences to a State.* To this we reply, 1. That tho' we have reasoned from the Good of Society to prove the Necessity of a Test, yet that was not till after we had shewn the Justice of it from the clearest Principles of the Laws of Nature and Nations. But these Laws oppose the taking away Religious Liberty, that is, Freedom to worship God according to one's own Conscience, on any Pretence whatsoever. 2. But we say further, that those very Principles of the Laws of Nature and Nations, which we have laid down, in the first Part, to prove the Equity of an Established Religion and a Test-Law,
and

and on which our whole Theory depends, do, in an invincible Manner, establish the divine Doctrine of TOLERATION, or the Right of worshipping God according to every Man's own Conscience. So that this Discourse is so far from giving any Entry, as the Objection supposes, to the Infringement of *Religious Liberty*, that it lays the Foundations of it on the only solid and impregnable Grounds. For on these two cardinal Principles on which, as on two Hinges, our Theory is raised and turns, namely, *That the State hath only the Care of Bodies, and the Church only the Care of Souls; And that each Society is Sovereign, and independent of the other,* is clearly deduced the indefeasible Right of Religious Liberty. 3. We say, that now an easy Answer is given to the Plea of *Necessity of Conformity from the Danger of Diversity of Religions to the State*, hinted at in the Objection. For the Malignity of that Diversity ariseth solely from the Infringement of Religious Liberty. Do but once grant a Toleration, with the Establishment of *one*, and an Exclusion of all the *rest* from the public Administration, and the Evil vanishes, and *many* Religions become as harmless as *one*. It being only
the

the tyrannical Usurpation of the Magistrate, upon the Rights of Religion, that made Diversity of Opinions mischievous and malignant. 4. But lastly, we say, that, even on our Adversaries' Supposition, the Objection has no Force. For had we justified a *Test-Law* only by Arguments drawn from the Good of the State, yet this very Principle, if pursued, would be so far from endangering Toleration, that it would perfectly secure it. For to make Religion serviceable to the State, which is the great End of an *Establishment*, it must make a *real Impression* on the Mind; this is evident from what we have observed in the first Book. Now Religion seldom or never makes a real Impression on the Mind of those who are forced into a Church; all that forcing to outward Conformity can do, is to make Hypocrites and Atheists. Therefore, for the sake of the State, the Profession of Religion should be free. Hence may be seen the strange Blindness of those Politicians, who expect to benefit the State by forcing to outward Conformity; Which, making Men irreligious, destroys the sole Means a Church hath of serving the State. But here, by a common Fate of Politicians, they fell from one Blunder to another. For
having

having first, in a tyrannical Adherence to their own Scheme of Policy, or superstitious Fondness to their own Scheme of Worship, infringed upon Religious Liberty; and then beginning to find, that Diversity of Sects was hurtful to the State; as it always will be, while the Rights of Religion are violated; instead of repairing the Mistake, and restoring Religious Liberty; which would have stifled the pullulating Evil in the Seed, by affording it no further Nourishment; they took the other Course; and endeavoured, by a thorough Discipline of Conformity, violently to rend it away; and, with it, they rooted up and destroyed all that Good to Society which so naturally springs from Religion, when it has taken a real Hold.

IV. THE last Objection is, *That a Test-Law is the novel Invention of a bigotted and barbarous Gothic Policy: Unknown to the polite and happy Ages of Greece and Rome, when Civil and Religious Liberty flourished beyond Compare.* So near as I now am to the Conclusion of this Discourse, it would stay me too long to detect our Adversaries' gross Errors concerning the Condition of
Reli-

Religious Liberty in the ancient World^c : Upon which Errors the Objection is built. It shall suffice, at present, to tell them, they are mistaken in their Fact. These happy People had, like us, their *Establishments* and *Test-Laws*. Tho' perhaps it may surprize them, we cannot forbear to tell them, that even *Athens*, their *Athens*, so flourishing and free, had, in its best Times, a *Test-Law* to secure the *Established Religion*. A Test which was exacted of all their Youth. For, *Athens* being a Democracy, every Citizen had a constant Share in the Administration. And a Test it was of the strongest Kind, even an Oath. A Copy of which is preserved by *Stobæus*^d, who transcribed this curious Fragment from the Writings of the

^c See the Div. Leg. of Moses, Book II. § 1, 5, and 6.

^d Οὐ καίαιαυνῶ ὅπλα τὰ ἱερὰ, ἔδ' ἐκαταλείψω τὸν παραστάτην, ὅπως αὖ σοιχῆσω. ΑΜΤΝΩ ΔΕ ΥΠΕΡ ΙΕΡΩΝ, ἢ ὑπὲρ ὁσίων, ἢ μόνῳ, ἢ μέλῳ πολλῶν. τὴν παλρίδα ἣ ἐκ ἐλάσσω παραδώσω, πλείω ἣ ἢ ἀρείω, ὁσίων αὖν παραδέξομαι. ἢ δίκηκοῦσω ἢ αἰεὶ κρινόντων ἐμφρόνως, ἢ τοῖς θεσμοῖς τοῖς ἰδρυμένοις πείσομαι, ἢ ἔς τινος αὖν ἄλλης τὸ πλῆθος ἰδρύσθαι ὁμοφρόνως, ἢ αὖν τις αἰναιρῇ τὰς θεσμούςς ἢ μὴ πείθῃται, ἐκ ἐπιβρέψω, ἀμυνῶ ἣ ἢ μόνῳ, ἢ μέλῳ πάντων. ἢ ΙΕΡΑ ΤΑ ΠΑΤΡΙΑ ΤΙΜΗΣΩ· ἴσορες θεοὶ τέτων. Joan. Stobæi de Repub. Serm. xli. p. 243. Edit. Lugdun. 1608. Pytha-

Pythagoreans, the great School of ancient Politics^d. It is conceived in these Words:

“ I will not dishonour the sacred Arms,
 “ nor desert my Comrade in Battle:
 “ I will DEFEND AND PROTECT MY
 “ COUNTRY AND MY RELIGION, whe-
 “ ther alone, or in Conjunction with others:
 “ I will not leave the Public in a worse
 “ Condition than I found it, but in a better:
 “ I will be always ready to obey the su-
 “ preme Magistrate, with Prudence; and to
 “ submit to the established Laws, and to
 “ all such as shall be hereafter established
 “ by full Consent of the People: And I
 “ will never connive at any other who shall
 “ presume to despise or disobey them; but
 “ will revenge all such Attempts on the
 “ Sanctity of the Republic, either alone,
 “ or in Conjunction with the People: And
 “ lastly, I WILL CONFORM TO THE NA-
 “ TIONAL RELIGION. So help me those
 “ Gods who are the Avengers of Perjury.”

HERE we see, that after every Man had sworn, *I will defend and protect the Religion of my Country*, in Consequence of the Obligation the State lies under to protect the *Established Worship*, he concludes, *I will*

* See *The Div. Leg.* p. 362, to 381. 3^d Edit.

conform

conform to it: The directest and strongest of all *Tests*. But a Test of Conformity to the established Worship was not only required of those who bore a Share in the Civil Administration, but of those too who were chosen to preside in their Religious Rites. *Demosthenes* has recorded the Oath which the Priestesses of *Bacchus*, called Γεραῖραι, took on entering into their Office. “ I observe a Religious Chastity, and am clean and pure from all other Defilements, and from Conversation with Man: AND I CELEBRATE THE THEOINIA AND IO-BACCHIA TO BACCHUS ACCORDING TO THE ESTABLISHED RITES, AND AT PROPER TIMES^f.”

So that those, with whom the Authority of the wise Ancients have so much Weight, will, we hope, from this Example in the wisest of them, begin to entertain a better Opinion of a *Test-Law*, and of a Religion so *Established*.

^f Ἀλῖσεύω, ἢ εἰμι καθαρά, ἢ αἰνὴ ἀπὸ τῶν ἄλλων ἢ καθαρευόντων, ἢ ἀπ’ ἀνδρὸς συνουσίας, ἢ τὰ Θεοῖνια, ἢ Ἰοβακχεῖα γεραίρω τῷ Διονύσῳ ΚΑΤΑ ΤΑ ΠΑΤΡΙΑ, ἢ ἐν τοῖς καθήκασι χρόνοις. *Orat. Cont. Neæram.*

BUT

BUT a stronger Evidence of the indispensable Necessity of these Things, for the Support and Security of Government, can hardly be given, than in the Example of the famous *William Penn*, one, who by his Principles was most averse to it, who strove most to avoid it, and yet is forced to have recourse to it. We have seen before, how the same Man, as Head of a Sect, had, by a Side-wind, introduced *Society* into Religion. We shall now see that, when become a Lawgiver, he found an equal Necessity of having that Society *established*, and securing his Establishment by a *Test-Law*. In his *Frame of Government for the Province of Pennsylvania in America*, we have amongst his *fundamental Constitutions* these following;

“ That all Persons living in this Province,
“ who confess and acknowledge the one
“ almighty and eternal God to be the Cre-
“ ator, Upholder, and Ruler of the World,
“ shall in no wise be molested or prejudiced
“ for their Religious Persuasion or Practice
“ in Matters of Faith and Worship.” And,
“ That all Treasurers, Judges, Masters of
“ the Rolls, Sheriffs, Justices of the Peace,
“ and other Officers and Persons whatso-
“ ever relating to Courts or Trials of Causes,

“ or any other Service in the Government ;
“ and all Members elected to serve in Pro-
“ vincial Council, and General Assembly,
“ and all that have right to elect such Mem-
“ bers, shall be such as profess Faith in Je-
“ sus Christ.”

By these Laws an *Established Religion* is first of all constituted, which is the Christian: And, secondly, a *Test*, which excludes all but such from a Share in the Administration, even the remotest Share, as electing Representatives to serve in Provincial Council and General Assembly. And all this, in as good legal Form as the PRIEST himself could wish : only (as arising from a Necessity not to be gloried in) a little disguised in the Expression, by the Use of affirmative rather than negative Terms. As to the large and extensive Conditions of this *Establishment* and *Test*, that is another Question. What these Constitutions are here cited for is, to shew the Necessity of the Things themselves.

I HAVE but one more Observation, and shall conclude this Chapter : It is, that the grand and palmary Argument against a *Test* concludes

concludes with equal Strength against an *Establishment* : Unless, perhaps, our Adversaries have discovered, that the *Clergy* are to have no Share, with the *Laity*, in the *common Rights of Subjects*. For we have shewn above, that one of the essential Privileges of an *Established Church* is a public Maintenance for its *Clergy*, given by the State, in Reward for their Services in teaching the People Virtue and Obedience. Now as the Ministers of all the tolerated Churches do, or profess to do, the same ; they seem to have something a better Pretence to a Share in these Places of Profit, possessed by the endowed Clergy, than their Lay-brethren have to what the Laity of the Established Church hold from them. At least it must be said, that the Injustice of debarring either, for Matters of Opinion, is equal. I make no Question but those, with whom we have to do, like their Principle the better for this generous and impartial Consequence. But it is not their Approbation I am much concerned about. I now address myself to the Lovers of their Country under the present Constitution of Church and State. I would shew them, in what our Adversaries' Principles necessarily terminate ; *a total Subver-*

sion of all established Religion. For this latter Claim puts an End to it at once. And shall we believe it will not be made whenever the other is obtained? Are not the Ministers of the tolerated Sects amongst the first to push on this Demand of the *common Rights of Subjects*? Have they less Regard to their own Advantage than to their Flocks? Or are they, good Men, persuaded, that these *common Rights* extend not to Churchmen?

HOWEVER, the State, we may be sure, will be impartial in its Justice. So that when once we see Sectaries of all Kinds supply the Civil Administration; the next Place to look for them is in the Pulpit and the Stall.

C H A P. IV.

Of the mistaken Principles on which Writers on this Subject have hitherto proceeded; the Mischiefs and Absurdities that followed them; and the Remedies which the Principles here laid down are able to supply.

I HAVE now, at length, and I hope to the Reader's Satisfaction, performed what I undertook; which was, *to demonstrate the Equity*

Equity and Necessity of an Established Religion and a Test-Law on the Principles of the Law of Nature and Nations. It only remains to shew, (as I promised in the beginning of this Discourse) what *false Principle* it was which, embraced in common, hath misled both Parties: And brought one to conclude that an *Established Religion* was of divine Right; and the other, that a *Test-Law* was a Violation of all human ones. For, as the excellent *Hocker* says, “a common
“ received Error is never utterly over-
“ throwne, till such Time as we goe from
“ Signes to Causes, and shew some manifest
“ Root or Fountaine thereof common unto
“ all, wherby it may clearely appeare how
“ it hath come to passe that so many have
“ beene overseene.” By this, likewise, we shall add new Strength to our Conclusions, (as it will afford us a View of the Defects in the other Scheme of Defence) and remove any remaining Doubts that may have arisen from the Authority of great Names against us.

WHEN a Love for Truth, the sole Motive of this Inquiry, had engaged me in an

Examination of the Nature and End of an Established Religion and a Test-Law; and that I had laid down unquestioned Principles, and drawn Conclusions from them, as I thought, demonstrative; I was yet not a little staggered to find that some great Names, to whom, as Writers, we owe the highest Regard, had from the very same Principles deduced the very contrary Conclusions. This then was to be accounted for, if I expected my Argument should have a fair hearing. And, on Reflection, I supposed that the Error which seduced them might be this; The Defenders of an *Established Religion* have all along gone on to support it on the Motives of TRUTH, and not of UTILITY. That is, that Religion was to be *established* and protected AS IT WAS THE TRUE RELIGION: not for the sake of its CIVIL UTILITY; which is the great PRINCIPLE of this Theory. For that Notion which, *Grotius* tells us, some Churches on the Continent had of Civil Society, seems to have been entertained by the Defenders of *our* Establishment. — “*Alii diversas [Religiones]*
“*minus tolerant; quippe non in hoc tantum*
“*ordinatas a Deo Civitates ac Magistratus*
“*dictantes, ut a Corporibus & Possessionibus*
“*inju-*

“ *injuriae abessent, sed ut, quo more ipse jus-*
 “ *fisset, eo in commune coleretur ; cujus Officii*
 “ *Negligentes multos pœnam aliorum im-*
 “ *pietati debitam in se accersisse.*”

Now, unluckily for Truth, the best Writers on the other Side took this mistaken Principle for granted ; imagining there could be no other possible Cause assigned for *establishing* Religion : And, at the same Time, finding *this* full both of Absurdity and Mischief, too hastily concluded an *Established Religion* secured by a *Test-Law* to be a Violation of the Rights of Nature and Nations.

BUT let us take a short View of the Absurdities and Mischiefs that arise from the Hypothesis which builds an *Established Religion* and a *Test-Law* on a Principle of *Religious Truth*, and not of *Civil Utility*.

IF Religion is to be established and protected by a *Test-Law* only because it is the *true Religion*, then Opinions are encouraged as Opinions ; that is, as *Truths*, not as *Utilities* ; and discouraged as Opinions ; that is, as *Errors*, not as *Mischiefs*. See then what

follows, both with regard to an *Establishment* and a *Test*.

I. AN Establishment is *unjust*, 1. Because the Civil Magistrate as such hath no Right to determine, which is the true Religion; this Power not being given him, (as we have shewn) on Man's entering into Society. Nor could it be given him; because one Man cannot impower another to determine for him in Matters of Religion. Therefore he not being Judge, and there being no other to be found with Authority to arbitrate between him and the several Schemes of Religion, he hath no Right to establish his own. Again, it is *unjust*, because, was the Magistrate a competent Judge of which was the true Religion, he would have yet no Right to reward its Followers, or discourage its Opposers; because, as we have shewn, Matters of Opinion belong not to his Jurisdiction. He being, as St. *Peter*^a tells us, "sent by God for the *Punishment* of EVIL DOERS, and for the *Praise* of them that DO WELL." 2. An Establishment is *absurd*: It being impossible that the End of it should be attained. This End is the Protection and Support of *true Religion*. But

^a 1 Ep. ii. 14.

the Civil Magistrate, who is to establish it, assuming to himself the sole Authority of judging which is so, must necessarily conclude in favour of his own; so that the Established Religion will, all the World over, be the Magistrate's: that is, for one Place where the *true* Religion is established, the *false* will be established in a thousand. And whether this be for the Interest of *true Religion*, let the Maintainers of this Hypothesis consider. I will only observe, that, as the Civil Magistrate, had neither by Nature, nor the Law of God, this Jurisdiction; so it is impossible he should have it; because the very Exercise of it would destroy the End for which it is supposed to be given.

II. I MIGHT shew, in the next Place, that this Hypothesis takes away all the *Reason* on which the mutual Grants and Privileges of Church and State, consequent on an Alliance, are founded. Which must all, therefore, cease. As *the Clergy's Right to a public Maintenance*. Which now being for the Support of Opinions, would be contrary to the fundamental Laws of Society; as making those contribute to their Maintenance who reject such Opinions, and think them false.

false. And so of the rest. But why do I talk of mutual Grants and Privileges, or stated Conditions of Alliance, when,

III. THIS Scheme of an Establishment, not making the Alliance between Church and State on a free Convention, but appointing the State a Kind of Executor of the Church's Decrees, it can have no stated Laws or Conditions of Union. But the Privileges of each Society must be perpetually fluctuating and various; having no other Foundation than the arbitrary Notions Men embrace concerning the Extent of that Support and Protection which the State is obliged to bestow; and these, having no Rule will never be adjusted to the public Good. Thus all fixed and precise Ideas of an Establishment being confounded, ill-designing Men have a Handle *to make it what they please*. Which, in Fact, we find they have done, to the infinite Damage of Society, in most Places where this Notion of its Original hath prevailed. And instead of that peaceable Union so beneficent to Civil Society, the Fruits of a free Convention, under the stated and well known Conditions mutually given and received, we see nothing but a violent
and

and continued Struggle between the two Societies, for power and independency.

IV. A *Test-Law*, on this Scheme, will be absolutely unjust. For now Opinions being restrained as *Errors*, not as *Mischiefs*, *Restraint* converts into *Punishment*. For the Design of a Test is now, not to keep Men, of other Religions, out of the *Civil Administration*, but to bring them in to the *Established Church*. And its Discouragements are WHOLESOME SEVERITIES to reduce Men from the *false* to the *true* Religion. So that if the first Dose do not succeed, it must be repeated and enlarged till it does. This is *Punishment*, properly so called; and Punishment, for what is no Act of the Will, we have shewn to be unjust. But could Opinions, as such, be punished, the Civil Magistrate could not inflict that Punishment, because his Jurisdiction extends only to the Care of Bodies. Further, this is depriving Men of their Civil Rights for Matters of Opinion, as such; but this, we have shewn to be against the Law of Nature. On all these Accounts, a Test-Law would be unjust.

V. AGAIN,

V. AGAIN, a *Test-Law* on this Scheme would be most mischievous, as directly tending to the Destruction of Religious Liberty. For the End being to reduce Men from the false, to the true Religion, the Severities, as we say, must be increased till they have Strength to operate effectually. And there is no stopping short, without exposing the Scheme to the greatest Absurdities. Therefore, the more ingenuous Defenders of a *Test*, on this Scheme, are those who regard a Toleration, not as a Right of Nature due to Mankind, but as a Concession which the Necessities of the Times extorted. For it is certain that *Toleration* and *such a Test* can no more stand together on common Principles, than Liberty and Persecution.

THIS is but a very short Hint of the sad Consequences that attend an Established Religion and a Test-Law on the common Hypothesis; but enough to evince the following Conclusions:

I. FIRST, that those great Defenders of *Civil* and *Religious* Liberties whose Projects are here opposed, must needs think hardly of an Established Religion raised on this Hypothesis;

pothesis; which so directly tends to the Destruction of both.

II. SECONDLY, that the Arguments employed in their various Writings, against such Establishments, do not at all affect or reach an Established Religion and a Test-Law founded on this Theory. For that,

III. THIRDLY, on Comparison, it appears that this removes and keeps clear of all those monstrous Mischiefs and Absurdities with which the other Scheme abounds: As shewing the Magistrate's Act in the Alliance to be reasonable, just, and necessary: As stating and fixing the mutual Conditions of the Alliance with the utmost Precision and Exactness: As proving the Equity and Necessity of a Test-Law; and securing Religious Liberty by a free Toleration. And, to shew that nothing of Advantage is wanting to make this Scheme preferred to the common one, we observe, in the last Place, that an Establishment, made only on the Motives of *Civil Utility*, secures that very End, which the other solely aims at in establishing a Church; and which yet, by pursuing in a visionary manner, it never attains:

tains: I mean, *the Advancement of Truth*. For if public Utility and Truth coincide, then to provide for that Utility, is, at the same time, providing for Truth its inseparable Associate. On the whole then we see that, in this Case, to aim at *Truth* is losing as well that, as Utility; but to aim at *Utility* is gaining both together.

I WILL conclude, in requesting my Reader to have this always in mind, THAT THE TRUE END FOR WHICH RELIGION IS ESTABLISHED IS, NOT TO PROVIDE FOR THE TRUE FAITH, BUT FOR CIVIL UTILITY, as the Key to open to him the whole Mystery of this Controversy; and the Clew to lead him safe through all the Intricacies, and Perplexities, in which it has been involved.

THE settling this Matter on true Foundations seems to be the only Thing wanted to perfect the Felicity of the *British* Constitution, For while *Literary, Civil, and Religious* Liberty, by occasionally undergoing a free Scrutiny, have at length become generally understood; *this last remaining Question*, of so much Importance, concerning

cerning an *Established Religion*, hath been so little examined to the Bottom, or the true Principles of it searched into, that the one Party defended it on *such* as directly tend to overthrow every thing already settled in favour of Religious, and even Civil and Literary Liberty: And the *other* opposed it on *such* as must make all that Liberty, they themselves had been long contending for, and had at length obtained, degenerate into the worst Licentiousness. Now whether we have contributed any thing to facilitate the Removal of this last Obstruction to a State of sober and perfect Liberty, is submitted to the Judgment of the Public.

C H A P. V.

The Conclusion, in which the remaining Objections of both Parties are considered.

THE wild *Indians*, amidst their uncultivated Wastes, see the Beauty and Use of every thing around them; and are not such Fools as to think of a better World than what they find provided to their Hands. Yet, as important as this Truth is to them, they are little solicitous to enquire from whence all this Order and Harmony arises: They

They have received it from their Ancestors, that the Whole was supported on the Back of a huge Tortoise; and they do not take it well to have their Tortoise disturbed or laughed at. The Friends of our happy Establishment have, many of them, a little of this *Indian Taste*. — In their Fear of shaking Foundations they are unwilling that the Weight of the Constitution should be removed from the Tortoise of old Opinion, to rest upon a *Theory which* they think *does not exactly tally with Fact, as few Theories do.*

THIS Objection may be thought of moment. But on what mistaken Principle it stands, I shall now endeavour to shew. The Word *Theory* has been appropriated, as it were, to the Explanation of a *natural System*. Now as such Theories are good only in proportion to their Agreement with *Fact*; and as Nature so much withdraws herself from human Inquiry; it is no wonder that it should grow into an Observation, *that few Theories agree with Fact*; and that this should be esteemed, what it really is, an Objection to Theories of this Kind.

BUT

BUT our Theory is an Explanation of an *artificial*, not a *natural* System: In which the Subject is not any *one particular System*, as in a Theory of Nature; but *the general abstract one*. For Truth being the End of all kinds of Theories, a right one of *Nature* is to be got only by pursuing Fact; for God is the Author of that System: But in a Theory of an *artificial* System, as this of Politics, to follow Fact is no certain Way to Truth, because Man is the Author of that System. Abstract Ideas, and their general Relations, are the Guides to lead us unto Truth; and *Fact* hath, with good reason, but a subsidiary Use. As therefore the Method to be pursued is different, so should the Judgment be, which is passed upon it: The Goodness of this Theory being estimated, not according to its Agreement with *Fact*, but *Right Reason*. In the former Case, the Theory should be regulated by the Fact: In the latter, the Fact by the Theory.

BUT still, *Fact*, as we say, hath even here its subsidiary Use. For as this Theory must be founded on the Principles of *Right Reason* to render it *just*; so, to satisfy us that it is *real*, and no impracticable Utopia, it must be sup

S

ported

ported by *Fact*: that is, it must be shewn that the Policy, explained and justified in the Theory, hath been practised to the common Benefit of all. This, is the Use, and the only Use, of consulting *Fact* in these kinds of Theories. And this, I presume, will be enough to recommend the Theory of this *Alliance*: Which was written with no other View, than to furnish every Lover of his Country with reasonable Principles, to oppose to the destructive Fancies of the Enemies of our happy Establishment. Not to reform the fundamental Constitutions of the State; but to shew they needed no reforming: An Attempt, I should think, neither irrational, nor unseasonable.

AN Example, used before, will illustrate what we have been now saying. The Theory of Civil Society, founded on the *Original Compact*, when it was first urged, against the Advocates for Arbitrary Government, had the Fortune to fall into ill Hands, the Enemies of their Country; who enforced it, not to defend the Liberties we enjoyed, but to alter the Nature of the Constitution: The Consequence was, that the Authors being justly obnoxious, the Principles

ples were suspected and rejected. Afterwards they fell into more temperate Hands; and being then employed to justify the Subjects' Rights under our limited Monarchy, they were in a little Time generally received; and Men were brought to found their Liberties on those Principles; which Liberties, 'till then, they chose to claim on the precarious Grants of ancient Monarchs, or the illiberal Tenure of more ancient Custom.

As to our Adversaries, if they thought that the few cant Terms of *Natural Rights*, *Civil Liberty*, *Priestcraft*, and *Persecution*, curiously varied by a Jargon of Logic, would be sufficient to undo what the Wisdom of all Ages and People has concurred to *establish*, many of them have lived to see themselves mistaken.

BUT if Reason be what they require; and and that they think they have a right to expect a reason for every thing, we have here endeavoured to satisfy them. If they like, as it is probable they will, their own reasons better, it will then come to be a Dispute about Taste. I have given them Corn. They chuse to stick by their Acorn-husks. Much good may do them.

NOTHING remains but to remove an Argument *ad invidiam*, the only Logic hitherto employed against this *Theory*, and which would persuade the Reader that it MAKES RELIGION A TOOL OF POLITICS. If by this they mean, that I believe there is a *Political Use of Religion*, whereby it may be made to advance the Good of Civil Society; and that therefore I have endeavoured to make this Use of it, they do me no Injustice. I not only believe so, but I have shewn^a that we have not a more illustrious Instance of the Wisdom and Goodness of God, than in his thus closely uniting our present and future Happiness. I believe what the best good Man of our Order was not ashamed to own before me. “ A political Use of Religion (says he^b) there is. Men fearing God, are thereby a great deal more effectually than by positive Laws restrayned from doing Evil, inasmuch as those Laws have no further Power than over our outward Actions only, whereas unto Mens inward Cogitations, unto the privie Intents and Motions of their Hearts, Religion serveth for a Bridle. What more savage, wilde, and cruell, then

^a See *The Divine Legation of Moses*. V. 1.

^b *Ecl. Pol.* B. V. Sect. 2.

“ Man,

“ Man, if he see himselfe able, either by
 “ Fraude to over-reach, or by Power to
 “ overbeare, the Laws whereunto he should
 “ be subject? Wherefore in so great Bold-
 “ ness to offend, it behoveth that the World
 “ should be held in Awe, not by a vaine
 “ Surmise, but a true Apprehension of
 “ somewhat, which no Man may thinke
 “ himselfe able to withstand. THIS IS THE
 “ POLITIQUE USE OF RELIGION.” Thus
 the admirable *Hooker*, where he takes Notice
 how certain Atheists of his Time, by ob-
 serving this Use of Religion, were fortified
 in their Folly, in thinking it was invented
 by Statesmen to keep Men in Awe. An
 idle vision, which I have so thoroughly confut-
 ed in another Place^c, that, I persuade myself, it
 shall for the future be only thought fit to go
 in Rank with the Tales of Nurfes, and the
 Dreams of Free-thinkers.

BUT if they mean, that I have endeavour-
 ed to make Religion a convenient Engine to
 ambitious and intriguing Politicians to work
 by, and the Clergy the Tools of Power, and a
 separate Interest from the Community^d, this
 is a very gross Calumny. I have expressly

^c *Divine Leg. of Moses*, B. III. Sect. 6.

^d *Old Whig*, May 27, 1736.

declared, that where I speak of Religion's serving the State, I always mean, by the State, a *legitimate* Government, or Civil Policy, founded on the natural Rights and Liberties of Mankind. And so far is this Plan of *Alliance* from contributing to these Mischiefs, that it effectually prevents them: And what is more, is the only Scheme of an Establishment that can prevent them.

To conclude all, we live in an Age when the Principles of Public Liberty are well understood: And, as corrupt as this Age is, we must needs imagine, there are many real Lovers of their Country. But then a certain Licentiousness, which is the spirit of the Times, is as fatally apt to delude honest Men in their Ideas of public Good, as to infect corrupt Men in their Pursuit of private Satisfaction. Now, as Such are always apt to embrace with warmth any Project that hath the face of advancing Public Interests, I do not wonder they should be drawn in to think favourably of an Attempt that professes only to vindicate the *common Rights of Subjects*; or that they should be inclined to judge hardly of a Writer, who frankly opposes those Pretensions. "Because (to
use

use the Words of the great Author last
 quoted ^c) such as openly reprove supposed
 “ Disorders of State, are taken for principal
 “ Friends to the common Benefite of all,
 “ and for Men that carry singular Freedome
 “ of Mind; under this fair and plausible
 “ Colour, whatsoever they utter passeth for
 “ good and currant. That which wanteth
 “ in the Waight of their Speech, is suppli-
 “ ed by the Aptness of Mens Minds to
 “ accept and believe it. Whereas on the
 “ other Side, if we maintaine Things that are
 “ established, we have to strive with a
 “ Number of heavy Prejudices, deeply root-
 “ ed in the Hearts of Men, who think that
 “ herein we serve the Time, and speak in
 “ Favour of the present State, because there-
 “ by we either hold or seek Preferment.”

^c *Hooker's Eccl. Pol. Lib. I. Sect. 1.*



A P P E N D I X.

Copie d'une Lettre écrite à M^{sr}. le Cardinal
de FLEURY, en lui envoyant les *Disserta-
tions sur l'Union de la Religion, de la Mo-
rale, & de la Politique ; tirées d'un Ouvrage
de Mr. Warburton.*

PERMETTEZ moi, M^{sr}. de presenter à
votre Eminence des Dissertations sur
l'Union de la Religion, de la Morale, & de
la Politique, tirées de l'Ouvrage d'un savant
Anglois. Je presumerai d'en parler avec d'au-
tant plus de liberté que je n'ai gueres fait que
traduire & qu'extraire. Ce n'est pas sans de
puissans motifs que j'ai entrepris cet ouvrage,
& que je prens la liberté de vous le presenter.
Frapé des progrès de l'irreligion, & de la de-
cadence des mœurs, qui en est toujours une
suite infaillible, instruit par l'histoire de toutes
les nations, & en particulier par mon séjour
en ANGLETERRE, des maux funestes que
produit, dans toutes les branches du Gouverne-
ment, le relachement des particuliers dans la
pratique de la vertu & des devoirs religieux ;
trop persuadé que l'*Angleterre* n'est pas le
seul

seul pays où l'irreligion ait repandu son poison contagieux, j'ai cru que l'ouvrage le plus utile au quel un bon citoyen put s'appliquer, étoit de tacher d'arrêter le cours d'un libertinage si pernicieux, d'exposer les chimères ainsi que l'ignorance des esprits forts, & de démontrer alternativement l'utilité de la Religion par sa vérité, & sa vérité par son utilité. Pour mettre cette grande vérité dans tout son jour, j'ai approfondi autant qu'il m'étoit possible la conduite de tous les Legislatures & les sentimens de tous les Philosophes ; discussions qui ouvrent d'elles-mêmes un beau champ à la littérature.

MAIS, M^{rs}., j'ose dire que ce n'est point assez que de s'opposer aux excès de l'irreligion, si l'on ne s'oppose en même tems aux abus de la religion même. L'histoire de presque toutes les nations modernes de l'Europe offre des tableaux bien touchans des maux qu'a produit l'abus de la Religion : Et pour ne se point faire d'illusion, que ne doit-on point craindre du feu que couvent les dissensions qui divisent encore aujourd'hui les esprits, & dont l'éclat n'est retenu que par la sagesse & la moderation de votre Eminence ? J'ai toujours été extrêmement frappé d'un passage de
St.

St. Chrysostome, que je vous demande la permission de rapporter ici. *HÆC EST CHRISTIANISMI REGULA, HÆC ILLIUS EXACTA DEFINITIO, HIC VERTEX SUPRA OMNIA EMINENS, PUBLICÆ UTILITATI CONSULERE.* C'est le caractère essentiel de la Religion que de s'allier avec l'utilité de l'Etat. Et cependant de combien de calamitez la religion n'a-t-elle pas été la source, elle qui n'est destinée qu'à produire des fruits salutaires? On abuse des meilleures choses, & c'est l'abus, que l'on fait de la Religion, contre lequel je me suis proposé d'élever une barriere qui marque tout l'usage que l'on en peut, & que l'on en doit faire, & qui fixe le point où l'on doit s'arrêter. Je n'ai travaillé sur les principes d'aucun parti : je n'ai absolument songé qu'à trouver le point critique de reunion où se concentrent la verité & l'utilité : Quoique je me suis aidé du secours de quelques uns de nos Theologiens les plus respectables, j'ai moins songé à puiser dans leurs ouvrages, que dans les sources primitives d'un raisonnement fondé sur la nature & l'essence même des choses. Un long séjour dans des pays où la diversité des religions ne produit aucun desordre a contribué à me mettre sur la voye du vrai, & m'y a ensuite affermi :
 j'ai

j'ai marché avec d'autant plus de sûreté que je me suis trouvé guidé par l'expérience des autres nations : j'ai même trouvé ces matières sagement & profondément discutées par des Theologiens de l'Eglise *Anglicane* : un nombre infini d'écrits ont paru sur ce sujet : la liberté de tout dire a fait, qu'aucune difficulté n'a été supprimée, & aucune n'a été proposée qu'elle n'ait été clairement & solidement expliquée.

JE laisserois à la lecture de ces Dissertations à dévoiler le seul remède qu'il convienne & que l'on puisse appliquer efficacement & salutairement aux desordres de religion, si les occupations importantes & multipliées de votre Eminence pouvoient lui permettre une lecture aussi longue. Ce remède, c'est l'établissement d'un Acte par lequel l'Etat s'assure que tous ceux qui remplissent des postes publics, soit civils ou religieux, se conforment à la Religion dominante : c'est, en d'autres mots, la requiſition ou d'un Serment ou de la signature d'un Formulaire. J'espère en avoir démontré la justice & la nécessité, sans insister sur d'autres principes que sur ceux de l'Equité naturelle & de la prudence universelle de tous les Etats polices ; gendre
de

de démonstration que je ne sache pas que personne eut encore entrepris, & qui cependant est essentiel.

JE fais que je dois m'attendre à essuyer un orage violent de la part d'un Parti^a qui ne s'est rendu que trop populaire, & dont tout le credit est fondé sur l'illusion & le cagotisme. Mais j'ai tout lieu d'espérer que cet orage se dissipera de lui-même, lorsque l'on verra que la requisition de la signature d'un formulaire, bornée, comme je le propose, aux personnes qui veulent occuper des emplois publics, n'attaque en rien la liberté des consciences, & qu'elle se trouve entièrement exemte de tous les reproches de persécution. C'est là je crois le seul moyen de rendre inutiles toutes les ruses d'un parti extrêmement habile à s'enprevaloir ; car pour peu que l'on examine avec attention, il n'est pas difficile de decouvrir ce qui lui attire un si grand nombre de proselytes. La plupart des particuliers ne sont pas capables de juger des matieres theologiques qui separent les deux partis. Le François a naturellement l'ame noble & genereuse, en sorte que le parti qui peut faire accroire qu'il est persécuté, ce parti, soit bon ou mauvais, ne peut manquer d'avoir un grand

^a Les Jansenistes.

nombre de partisans. Rien ne le prouve mieux qu'un trait fort remarquable rapporté par Branet, dans son Histoire de la Reformation des Pays Bas, Livre qui fait l'admiration de tous les Hollandois compatriotes de l'Auteur; estimé par tous les Etrangers qui le connoissent, & qui, quoique l'ouvrage d'un Protestant, renferme bien des connoissances utiles & instructives pour un Lecteur Catholique. Cet Historien rapporte qu', avant la revocation de l'Edit de Nantes, quelques Religionnaires du Poitou passerent en Angleterre, où interrogez sur leur foi, & en particulier sur le nombre des sacramens, ces bonnes gens souverainement ignorans repondirent qu'il y en avoit trois, le Pere, le Fils, & le St. Esprit. Comment se peut-il que des gens eussent tant de zele que d'abandonner leur patrie, et tout ce qui leur étoit cher, pour une Religion qu'ils ne connoissoient certainement pas? Rien de plus naturel: ils croyoient que l'on vouloit contraindre leurs Opinions; & ils ne s'imaginoient pas que la Force & la Verité pussent aller de concert. Avec combien d'art les Jansenistes ne cherchent-ils pas à persuader qu'ils sont persecutez? Ils savent bien que cette opinion, bien loin de decourager leur secte, est tout ce qu'il y a de plus capable de l'aug-

l'augmenter. Je suis persuadé que l'on trouvera que c'est là le cas de la plupart de leurs partisans.

C'EST dans cette vue qu', en m'attachant à prouver la justice & la nécessité d'un formulaire dont la profession seroit requise de toutes les personnes qui voudroient des emplois publics, je n'ai pas insisté avec moins de force sur la Tolerance des Opinions à l'égard de ceux qui ne sont dans aucun emploi. C'est même en vain qu'on voudroit les contraindre : les Opinions sont libres, & le pouvoir des hommes n'a aucune prise sur elles. Il n'a d'autre moyen d'introduire l'uniformité que l'expulsion, expedient qu'il faudroit renouveler sans cesse, parce qu'il renaît sans cesse des Opinions nouvelles ; expedient par consequent trop dangereux ; & qui ne s'accorde pas avec la maxime de St. Chrysostome sur l'utilité de la Religion pour l'Etat. J'ose d'autant plus volontiers avancer que la Violence & la Religion sont incompatibles, que rien n'est plus opposé que la violence au caractère & aux sentimens que toute l'Europe reconnoit dans votre Eminence.

TOUTE secte privée des dignitez de l'Etat, fut-elle appuyée sur la verité, ne peut
faire

faire de grands progrès dans ce siècle corrompu. On en a un exemple sensible dans les Catholiques de Hollande & d'Angleterre, & surtout dans ceux de cet dernier pays, où leur nombre diminue tous les jours, uniquement parce qu'il y a un plus grand nombre de dignitez à distribuer, & qu'elles y sont plus faciles à obtenir qu'en Hollande, où elles sont presque entièrement confinées aux familles des Magistrats des Villes. Les progrès seroient encore bien moindres à l'égard des sectes qui auroient le malheur d'être dans l'erreur. Les Catholiques de Hollande n'y causent aucun trouble, non plus que les Presbyteriens en Angleterre. Exclus de tous les emplois, ils n'ont point assez de pouvoir pour introduire aucune division dans le gouvernement; & jouissant en même tems de la liberté de professer tranquillement leur religion rien ne les excite à se soulever contre un Gouvernement juste & équitable. Les Catholiques d'Angleterre sont, à la verité, moins bons sujets; mais d'où provient cette difference d'avec ceux de Hollande, si non que les Loix penales, qui en Angleterre ont lieu contre eux, leur donnent toujours lieu d'appréhender la violence, & les reduisent en quelque maniere dans un état de persecution.

ME

ME permettez-vous, M^{sr.}, de dire avec ingénuité, que je suis convaincu tant par l'étude que je puis avoir faite de la nature humaine, que par le témoignage unanime qu'en rend l'Histoire de toutes les nations florissantes, que l'Union de la PROFESSION D'UN FORMULAIRE d'une part, avec la TOLERANCE de l'autre, est le seul moyen de prévenir les maux que l'on a lieu d'aprehender d'une secte qui s'acroit plus qu'elle ne diminue ; & qui jette de jour en jour des racines plus profondes ; qui ne peut être détruite par tout autre moyen, qu'en même tems l'on n'afoiblisse infiniment l'Etat, & qui en ce cas même feroit sûrement succédée par quelque secte nouvelle. Une rigidité exacte à exiger la profession d'un Formulaire commun, de tous ceux qui entrent dans quelque poste ou dans quelque société publique que ce puisse être, & une indulgence entière à l'égard des opinions des simples particuliers, assureroient la tranquillité de l'Etat contre l'efforts non seulement des sectes actuelles, mais encore de toutes celles qui pourroient se former par la suite.

JE soumets toutes ces reflexions, M^{sr.}, aux lumieres de votre Eminence, & j'ai l'honneur d'être &c.



INDEX.

I N D E X.

A.

- A**LLIANCE OF CHURCH AND STATE approv'd of
by the politest and wisest Nations and Persons, Page 113
- not always established on the best Principles and with
the greatest Discernment, 115
 - may be well made by different Societies, tho' consist-
ing of the same individual Persons, having, as distinct
Societies, distinct Wills and Personalities, just as two
States are consider'd as two Men in a State of Nature,
183—186
 - not hinder'd by a suppos'd or real metaphysical Defect
in Wills and Personalities rendering them unfit for enter-
ing into a civil Convention 191
 - must always be with the largest Religious Society, if
more than one in the same State; in *England* with the
Episcopal, in *Scotland* with the *Presbyterian*, 197, 198
 - only by mutual Compact, 87
 - would be beneficially made by a mere Union, without
express Compact, 191
 - made for mutual Assistance. See MAGISTRATE. His
want of the Assistance of Religion, &c. See CHURCH,
or RELIGION. 117
 - should be made on a distinct Knowledge of their Na-
tures by their Ends; Errors for want of it, 31
 - requires a mutual Communication of Powers,
119, &c.
 - procures a settled Maintenance for the Clergy; an Ec-
clesiastical Jurisdiction with coercive Powers; the Civil
Magistrate's Supremacy in the Church; and the Church-
men's Share in the Legislature. See BISHOPS. ibid.
 - on the same Foundation with the *original* Civil Com-
pact imply'd at least, if not express'd, 166
 - cannot be *justly* or *consistently* made on any foot but
that of mutual and public Utility, 247, 248

T

BANISHMENT

I N D E X.

B.

- BANISHMENT the contrary to Protection, does not discharge
the Allegiance of the Banished; which would make it
no Punishment, or at most a Punishment only by Acci-
dent, Page 21
- BISHOPS, THEIR SEATS IN PARLIAMENT for the Security
of the Church, in lieu of the Church's Independency sur-
rendered to the State, 127
- not in Right of their Baronies, 128
- not a third Estate, 129
- depends upon and must fall with the Alliance, 133

C.

- CHRIST HIS KINGDOM why not of this World, 178
- consistent with Rites, Ceremonies, and an Ecclesiasti-
cal Policy, 181, 182
- HIS RELIGION fram'd to unite easily with all the va-
rious Sorts of Civil Policies, 180
- more useful to Society than Paganism, 173
- or Natural Religion, 174
- or Judaism, 176
- independent of the State, 178
- CHURCH not dependent on the State. See DEPENDENCY.
- hath no civil coercive Power, 69, 70
- wants no coercive Civil Power for its true *ultimate* End,
the Salvation of Souls, 70
- has the Power of Expulsion of refractory Members,
which is necessary for its *immediate* End, the Purity of
Worship; more would be *unfit* and *unjust*. See RELIGION.
72, 73, 74
- needs the Protection of the State, 109
- CONVOCACTIONS in a State of Alliance, or under an Establish-
ment, can't *meet* or act judicially without the Permission of
the supreme Magistrate, 152, 153
- may be very useful, 156
- COURTS ECCLESIASTICAL have their coercive Powers from
the State for Reformation of Manners, 134
- an Aid to the Defects of the State. See STATE. 135
- have no Cognizance of Opinions with coercive Power;
the State itself having no such Power, excepting in the
Articles of a GOD, a Providence, and a Future State,
which it still reserves to itself, 136, 137
- COURTS

I N D E X.

- COURTS ECCLESIASTICAL judge not Matters cognizable
by the Civil Courts, 138
— subject to the Laws of the State, and should proceed by
its Forms, 144
— subject to Appeals to prevent Independency and Ty-
ranny Ecclesiastical, 146
— have Power of Excommunication 137
over Dissenters, 142
— exempt not the Clergy from the Civil Courts, *ibid.*
— extend to such Causes as the Civil Power can't take
Notice of, 143

D.

- DEPENDENCY OF SOCIETIES is either from the *Law* of
Nature, and then it is *essential*, which can't be where So-
cieties are essentially different as Church and State are; or
it is by *Generation*, where one arises out of the other, as
out of Cities arise Companies, Colleges, and Corporations,
&c. but the Church has its End and Means different from
the State, and existed before it, 65, 66
— or it is from the *Law* of *Nations* to prevent *Imperium*
in Imperio, which happens not betwixt Church and State,
66

E.

- ENEMIES to the Establishment Friends to *nominal*, not to *real*
Christianity, 171, 172
ESTABLISHMENT to be defended on the Principles of the Law
of Nature and Nations, avoiding on the one hand a Claim
of Divine Right defended on the Doctrine of Intolerance,
and on the other a Condemnation of the Test, which opens
a Door to all loose Principles destructive of the very Being
of a Church, 3, 4, 5
— makes not Religion a Tool for Politicians, 260
— wants a Test to keep Sects out of Power to hurt it, 201
— may demand one as the Condition of Alliance, 202
as a Recompence for its Independency,
given up to the State. See TEST-LAW. *ibid.*
— founded not on Truth, but Civil and Religious Utility,
247
— for the Support of Opinion, is contrary to the Rights of
Society, and would end in Persecution and the Destruction
of Religious Liberty, 251, 252
— for the Support of Civil Utility, clear of all these Mil-
chiefs

I N D E X.

chiefs and Absurdities,	253
EXCOMMUNICATION <i>necessary</i> for a Church,	73
—— <i>sufficient</i> for it,	<i>ibid.</i>
—— does not interfere with the State,	76

F.

FAITH, Formularies of it necessary,	59, 60
-------------------------------------	--------

H.

HOBBISM and Popery agree in domineering over Conscience,	69
--	----

I.

INDEPENDENT WHIG, the Author's Character and Folly,	82,
	83

L.

LAW of NATURE, in the present Question, to be distinguish'd from all other Laws, and is what right Reason prescribes as fit to be done, whether in or out of Society, without any Regard had to the peculiar Frame of any particular State,	224
---	-----

M.

MAGISTRATE Civil introduc'd as a Remedy against Injustice, not with a View to promote all the Advantages Men may or do receive from Society and Government,	8, 9
—— his Power is defective, and wants the Help of the Church or Religious Power to enforce the Laws of the State,	10
—— can secure only against <i>open</i> Force, which will improve bad Men in Craft to evade the Laws,	10, 11
—— dare not sufficiently restrain some Crimes, for Fear of encreasing others of a worse Kind,	11
—— can't sufficiently enforce the Duties of imperfect Obliga- tion, <i>viz.</i> Gratitude, Charity, &c.	13
—— must be supreme in the Church in Alliance, or else he would be only, as among the <i>Papists</i> , the Church's Exe- cutioner,	147, 148
—— appointed for the Security of <i>temporal</i> Liberty and Pro- perty only,	33
—— nothing to do with the Security of Mens Future Happi- ness or the Salvation of Souls,	33, 34, 67
—— nor with the Means of Salvation as such,	34
—— punishes Actions as Crimes against Society, not as Sins	

I N D E X.

- Sins or Offences against Religion, 35, 36
 — has a Right to secure the three great Religious Supports of Society, the Belief of a God, a Providence, and the Difference of moral Good and Evil, 37, 38
 — encroaches on the Religious Society, or the Church, by extending his power to the Care of Souls, 41, 42
 — his Office mistaken from the same Mens having anciently been Priests and Magistrates, 44. from a Zeal for the God to whom they ascrib'd their Laws, 44, 45 from the political End of many Religious Rites among the Heathen, 45. from a Jewish Zeal in Christian Emperors of punishing Crimes as Sins; from the first Reformers modelling Civil Governments on Jewish Plans to the Hindrance of the Reformation, 46, 47
 — encroaches on the Church by claiming the Powers he has in a Union or Establishment as inherent in his Office, 50—53
 — wants Power to reward; i. e. can't reward every one who observes the Law, as he may punish every one who transgresses it, 18, 19
 — rewards only by Protection, 18
 — can't distribute Rewards according to personal Desert, because he can't know Men's Intentions in their Obedience, in which consists their real Merit, 22, 23; and because he has not a sufficient Fund for Rewards, if he did know it it. See REWARDS. 23
 — seeks an Alliance with the Religious Society or the Church to preserve a Sense of Religion and its Purity, 91, 92 to hinder Fanaticism and its Mischiefs, 93, 94, 95

O.

- OBJECTIONS to our Establishment; (1.) As contrary to the common Rights of Subjects, 208, &c. (2.) As prejudicial to a free Search of Truth, 229, &c. (3.) As dangerous to Religious Liberty, 234, &c. (4.) As a barbarous Invention of Gothic Policy, 237, &c. (5.) As partial and unjust, because the Teachers of all tolerated Churches have an equal Right to the Advantages due to a Clergy, 243
 — to the Author's Theory: (1.) That it does not tally with Matter of Fact, 256; (2.) Makes Religion a Tool of Politics, 260
 OPINIONS, which directly affect the Peace of Society, punish-
 217, 218, 219
 OPINIONS

I N D E X.

- OPINIONS of the Deity influence Mens Practice, and should be kept sure by being drawn into a Form, the Profession of which should be a Term of Communion, and as general as possible. See FAITH. 60
 — punishable as *Mischiefs*, not as *Errors*, 251

P.

- PAPISTS agree with *Hobbiſts* in domineering over Conſcience, 69
 PAPISTS make the State the Creature of the Church, 31
 — their Scheme more rational than the *Jacobites*, 80
 PUNISHMENTS, their Nature, how different from *Reſtraints*, 212—216
 — for Errors muſt introduce *Perſecution*, 252

Q.

- QUAKERS againſt all Church Society, 31
 — make *Chriſtianity* only a divine Philoſophy in the Mind, 63
 — yet out of mere Neceſſity, to ſupport the Exiſtence of their Sect, have form'd themſelves into a diſtinct *Civil Community*, having before unwarily declared againſt all *Religious*, 63, 64
 — their Refuſal to pay Tythes the groſſeſt Prevarication, 125

R.

- RELIGION, its Ends to obtain the Favour of God, and to improve the Mind; the *former* no Power on Earth can hinder, and *for that* therefore it wants not the Help of the Magiſtrate for its Security, but for the *latter* it does, 53, 54, 55
 — conſiſts in the Contemplation of God's Nature and Man's Relation to him, with proper Sentiments and ſuitable outward Acts, 55, 56
 — merely mental improper for ſuch Creatures as Men, 57, 58
 — ſuch as is proper for the Bulk of Mankind muſt have Contemplations of God drawn out into Articles of Faith, and on our Relations to him into Acts of Religious Worſhip to be profeſs'd and perform'd in common, 59, 60
 — its Acts of Worſhip ſhould be decent, ſimple, and ſignificative, which they will never be, unleſs regulated by common Policy, 61
 — obliges to the Duty of *imperfect*, and enforces thoſe of *perfect*

I N D E X.

- perfect* Obligation to the great Aid of the State, Page 27
 RELIGION can't have its full Effect on Society, without a
 wise Coalition with the State, 32, 33
 — hath not the Care of the Body, nor should have it, 68, 69, 70
 — without *coercive Power*, this being inconsistent with
 every Man's Right of worshipping God according to his
 own Conscience, 74, 75
 — wants the Protection of the State, not to propagate
 Religious Sentiments, but to preserve it from Violence,
 109, 110
 — wants not Riches, Honours, or Power, 112
 — in a State of Alliance wants a publick Endowment
 for its Ministers, to make it more firm and lasting, more
 serviceable to the State, and to hinder the *Dependency* be-
 tween the Clergy and the People, 121, 122
 — national universally approv'd, 194
 REWARDS can't be given to all that obey, as Punishments are
 inflicted on all who transgress the Laws, because the Ob-
 ject of Rewards, a *well intention'd Obedience*, can't be
 known, and because no Fund would be sufficient to re-
 ward all who might claim, 21, 22
 — propos'd only in Speculation by *Utopian* Writers, who
 confound the *Literary, Mercantile, and Convivial* Socie-
 ties with the *Civil*, 24, 25
 RESTRAINTS not properly *Punishments*, 212, 213
 — when they would become so, 251
 RIGHTS of Subjects not broke in upon by a *Test*, 216
 — of the *Chr. Church*, the Book so called, makes the
 Church a mere Creature of the State on *Hobbs's* Principles,
 81

S.

STATE. See MAGISTRATE.

- SUPREMACY in the Civil Magistrate restrains Ecclesiastics
 from exercising their Function without his Permission, 149
 — does not empower the Magistrate to make Priests, &c.
 149, 150
 — does empower him to call and direct Convocations, 152, 153
 — to restrain Excommunications, 161
 — consistent with CHRIST's Headship in his Church, 163

T.

- TYTHES the true Notion of their Divine Right, 122, 123
 — no Injury to the State, 124
 TYTHES

I N D E X.

TITHES ought to be paid by Sects dividing from the Church,

125

— *dependent* on the *Establishment* of the Church, 126

— not justly chargeable on Persons of different Religious Sentiments, on any other Pretence than for the Good of that Civil Society, of which all its Sects are Members, *ibid.*

TEST-LAW necessary to preserve an established Church,

201, 206

— necessary for the Peace of the State, 206, 212, 221

— consistent with the Right of Subjects, 209

— is not a *penal*, but a *defensive* Restraint, 212—216

— in use among the politest and freest States, 238

— contrary to the Law of Nature in the same Sense only as many other Civil Laws are, *viz.* the known Law of Prescription, &c. 224—228

— oppos'd not by Reason, but Party Prejudices, *ibid.*

— not injurious to true Religion, but an easy Trial of Mens Sincerity, as a Check to the Ambition of Sects in an Establishment, 230

— the accidental Evils of it amply recompensed by the great Good it does to Civil and Religious Societies, 232

— consistent with a free Toleration and the true Influence of Religion on the Minds of Men, and so encroaches not on the Liberty of worshipping God according to our Consciences, 233—237

— Removal of it would end in a total Subversion of all Establish'd Religion, 243, 244

— is founded not upon Truth as such, but on Utility, 244

— makes not the Magistrate Judge of Religion, 248

TRUTH and general *Utility* coincide in all Governments form'd on the Principles of natural Liberty, 95

TRUTH is therefore promoted by an Establishment, 248, 249

W.

WORSHIP must partake of the Character of its Subject, and can't therefore be purely *spiritual* for such Creatures as Men, 57, 61

WRITERS of Name and Ability, agreeing in one false Principle, *viz.* that Religion was established for the sake of Truth, naturally run into opposite Conclusions, one combating one, and another bad Consequence of the same wrong Principle, 246



